



State Medical Board of Ohio

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September 8, 1999

Geoffrey P. Redmond, M.D.
23250 Chagrin Blvd., #235
Beachwood, OH 44122

Dear Doctor Redmond:

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 September 8, 1999, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

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

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

THE STATE MEDICAL BOARD OF OHIO

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 233 839 355
RETURN RECEIPT REQUESTED

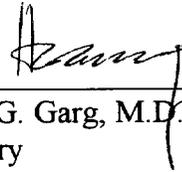
cc: Donald A. Antrim and Stephen D. Dunson, Esqs.
CERTIFIED MAIL RECEIPT NO. Z 233 839 356
RETURN RECEIPT REQUESTED

Mailed 9/23/99

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 September 8, 1999, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Geoffrey P. Redmond, 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.



Anand G. Garg, M.D.
Secretary

(SEAL)

SEPTEMBER 8, 1999

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

GEOFFREY P. REDMOND, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on September 8, 1999.

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 modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

The certificate of Geoffrey P. Redmond, M.D., to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for a period of ninety (90) days. Upon reinstatement, Dr. Redmond shall be subject to the following **PROBATIONARY** terms, conditions, and limitations for a period of at least three years:

- a. Dr. Redmond shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.
- b. Dr. Redmond shall obey all federal, state and local laws, and all rules governing the practice of medicine and surgery in Ohio, and all terms of probation imposed by the United States District Court for the Northern District of Ohio, Eastern Division, in *United States of America v. Geoffrey P. Redmond*, Case No. 98CR-321.
- c. Dr. Redmond shall appear in person for interviews before the full Board or its designated representative within three months of the date in which probation

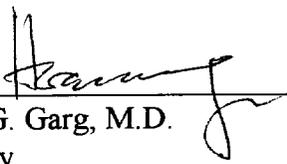
becomes effective, at three month intervals thereafter, and upon his request for termination of the probationary period, or as otherwise requested by the Board.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. Although the Board will normally give him written notification of scheduled appearances, it is Dr. Redmond's responsibility to know when personal appearances will occur. If he does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Dr. Redmond shall immediately submit to the Board a written request to be notified of his next scheduled appearance.

- d. Dr. Redmond shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which probation becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
- e. Within thirty days of the effective date of this Order, Dr. Redmond shall provide a copy of this Order by certified mail 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 Dr. Redmond has privileges or appointments. Further, Dr. Redmond shall provide a copy of this Order by certified mail to all employers or entities with which he applies or contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where Dr. Redmond applies for or obtains privileges or appointments. Further, Dr. Redmond shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
- f. Within thirty days of the effective date of this Order, Dr. Redmond 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. Redmond 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 reinstatement of any professional license. Further, Dr. Redmond shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

This Order shall become effective within thirty days of the mailing of notification of approval by the Board.

(SEAL)



Anand G. Garg, M.D.
Secretary

SEPTEMBER 8, 1999
Date

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**REPORT AND RECOMMENDATION
IN THE MATTER OF GEOFFREY P. REDMOND, M.D.**

The Matter of Geoffrey P. Redmond, M.D., was heard by Sharon W. Murphy, Attorney Hearing Examiner for the State Medical Board of Ohio, on July 8, 1999.

INTRODUCTION

I. Basis for Hearing

A. By letter dated April 14, 1999, the State Medical Board of Ohio [Board] notified Geoffrey P. Redmond, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its action on the following allegations:

1. On or about January 12, 1999, in the United States District Court, Northern District of Ohio, Eastern Division, Dr. Redmond pleaded guilty to and was found guilty of one count of False, Fictitious or Fraudulent Claims and Aiding and Abetting, a class D felony. The District Court sentenced Dr. Redmond to two years probation, ordered Dr. Redmond to perform 160 hours of community service, and ordered Dr. Redmond to pay restitution of \$20,118.50 and a fine of \$3,500.00. Further, Dr. Redmond was required to pay the cost of supervision at a rate \$249.72 per month.
2. The acts underlying Dr. Redmond's guilty plea and the judicial finding of guilt were committed in the course of practice and include that, from May 1993 until December 1997, Dr. Redmond knowingly permitted "advanced practice nurses" to provide medical services to Dr. Redmond's patients and to bill Medicare and Medicaid using Dr. Redmond's provider number. Dr. Redmond was away from his office and did not directly supervise these employees.

The Board further alleged that Dr. Redmond's plea of guilty and judicial finding of guilt, as alleged in paragraph 1, above, constitute "[a] plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code (as in effect prior to March 9, 1999)." Accordingly, the Board advised Dr. Redmond of his right to request a hearing in this matter. (State's Exhibit 1A).

B. On April 30, 1999, Dr. Redmond submitted a written hearing request. (State's Exhibit 1B).

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II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Anne B. Strait, Assistant Attorney General.
- B. On behalf of the Respondent: Donald A. Antrim and Stephen D. Dunson, Esqs.

EVIDENCE EXAMINED

I. Testimony Heard

Presented by the Respondent

- A. Leslie Sheeler, M.D.
- B. Angelo A. Licata, M.D.
- C. Teresa Kammerman, M.D.
- D. Joan Horowitz
- E. Ira Horowitz
- F. Kathleen House
- G. Geoffrey B. Redmond, M.D.

II. Exhibits Examined

A. Presented by the State:

- 1. State's Exhibits 1A-1I: Procedural exhibits.
- 2. State's Exhibit 2: Copy of the Information filed in the United States District Court for the Northern District of Ohio, Eastern Division, in *United States of America v. Geoffrey P. Redmond*, Case No. 98CR-321 [*U.S. v. Redmond*].
- 3. State's Exhibit 3: Copy of the Plea Agreement filed in *U.S. v. Redmond*.
- 4. State's Exhibit 4: Copy of the Judgment filed in *U.S. v. Redmond*.

B. Presented by the Respondent

- 1. Respondent's Exhibit 1: Biography of Dr. Redmond.
- 2. Respondent's Exhibit 2: Curriculum vitae of Dr. Redmond.

3. Respondent's Exhibit 3: Publications and Presentations on Asian Studies by Dr. Redmond.
4. Respondent's Exhibit 4: Copy of the Plea Agreement filed in *U.S. v. Redmond*.
5. Respondent's Exhibit 5: Copies of documents filed with the court in *U.S. v. Redmond*.
6. Respondent's Exhibit 6: Copy of Defendant Geoffrey P. Redmond's Submission Concerning Sentencing, with exhibits, filed with the court in *U.S. v. Redmond*.
7. Respondent's Exhibit 7: Copies of letters to the Board on behalf of Dr. Redmond.
8. Respondent's Exhibit 8: Copies of federal statutes relevant to this matter.
9. Respondent's Exhibit 9: Copy of a publication by Caremark, Inc., entitled *Grow with Us*, Volume 8, Number 1.

C. Presented Jointly

1. Joint Exhibit 1: Packet of documents, with cover sheet, including the following:
 - a. Exhibit 1: Medicare and Medicaid Guide (CCH) §3115, Services and Supplies Furnished Incident to Physician's Services.
 - b. Exhibit 2: Medicare and Medicaid Guide (CCH) §3467, Physician Assistants, Nurse Practitioners, and Nurse Midwives.
 - c. Exhibit 3: Medicare and Medicaid Guide (CCH) §410.75, Nurse practitioners' services.
 - d. Exhibit 4: Section 4723.43, Ohio Revised Code, Supervision by Doctor; Restrictions.
 - e. Exhibit 5: Chapter 4723-8, Ohio Administrative Code, Scope of Practice of Certified Nurse Practitioners, Clinical Nurse Specialists, Certified Registered Nurse Anesthetists, and Certified Nurse-Midwives; Standard Care Arrangements; Certificate of Authority; Rule 4723-8-01, Definitions.
2. Joint Exhibit 2: Documents verifying that nurses employed by Dr. Redmond during the relevant time periods were Certified Nurse Practitioners.

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D. Presented by the Attorney Hearing Examiner

Board Exhibit 1: Entry reopening the record for submission of additional evidence.

PROCEDURAL MATTERS

After the close of the hearing, the Attorney Hearing Examiner requested that the parties submit documentation verifying that nurses employed by Dr. Redmond during the relevant time periods were certified nurse practitioners. The parties agreed to submit such evidence. Accordingly, the hearing record was reopened. The parties submitted the additional evidence on August 12, 1999; the hearing record closed at that time. (Joint Exhibit 2; Board Exhibit 1).

SUMMARY OF THE EVIDENCE

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

1. Geoffrey P. Redmond, M.D., graduated from the Columbia College of Physicians and Surgeons in 1971. Dr. Redmond completed an internship and residency in pediatrics at Babies' Hospital, Columbia-Presbyterian Medical Center, New York City. Dr. Redmond spent one year serving as a pediatrician at the Manhattan State Hospital, a state mental hospital in Harlem, New York City. Thereafter, Dr. Redmond completed a six month post-doctoral fellowship in Pediatric Endocrinology at Columbia University, and a four month post-doctoral fellowship in Reproductive Endocrinology at Rockefeller University in Manhattan. Dr. Redmond testified that he is "board ready" in pediatrics and pediatric endocrinology. (Transcript [Tr.] at 60-62; Respondent's Exhibit [Resp. Ex.] 2).

In 1977, Dr. Redmond accepted a position as Assistant Professor of Pharmacology and Pediatrics at the University of Vermont. Dr. Redmond also served as the President of the Vermont Diabetes Association and as the Medical Director of the Vermont Poison Control Center. (Tr. at 63).

Dr. Redmond relocated to Cleveland, Ohio, in 1982. He accepted a position as the Head of the Section on Pediatric and Adolescent Endocrinology at the Cleveland Clinic Foundation. Dr. Redmond left the Cleveland Clinic in 1990. He started a private practice, the Foundation for Developmental Endocrinology, in Beachwood, Ohio. Dr. Redmond testified that he has been extensively involved in research regarding issues related to endocrinology. (Tr. at 63-70; Resp. Exs. 1-3; State's Exhibit [St. Ex.] 2 at 3-4).

2. On September 10, 1999, the United States Attorney filed an Information in the United States District Court for the Northern District of Ohio, Eastern Division, in *United States of America v. Geoffrey P. Redmond*, Case No. 98CR-321 [*U.S. v. Redmond*]. (St. Ex. 2). The Information charged that, from May 1993 through December 1997, Dr. Redmond had “knowingly and willfully” presented approximately 47 claims to and received payments in the amount of \$1,069.62 from the Medicare - Part B program. The Information further charged that Dr. Redmond had “knowingly and willfully” presented 49 claims to the Ohio Department of Human Services and received payment in the amount of \$1,126.43 from the Medicaid program.

In addition, the Information alleged that Dr. Redmond had submitted the claims knowing that the claims were false, because the claims represented that Dr. Redmond had performed the services or that the services had been performed under his personal supervision. Nevertheless, the Information charged that Dr. Redmond had been aware that the advanced practice nurses/certified nurse practitioners performed the services at a time when Dr. Redmond was not in the office to supervise them. (St. Ex. 2 at 4).

3. During the time period at issue in this matter, Federal law provided that services furnished by certified nurse practitioners [CNPs] could be reimbursed under the Medicare - Part B program, so long as the services were furnished “incident to a physician’s professional service.” The statute defined “Incident to a Physician’s Services” as follows:

[T]he services or supplies are furnished as an integral, although incidental, part of the physician’s personal professional services in the course of diagnosis or treatment of an injury or illness. In addition, the services of nonphysicians must be rendered under the physician’s direct supervision by employees of the physician.

(Medicare and Medicaid Guide, CCH §3115, Joint Ex. 1, Exhibit 1). The statute further defined direct supervision as follows:

Direct personal supervision in the office setting does not mean that the physician must be present in the same room with his [CNP]. However, the physician must be present in the office suite and immediately available to provide assistance and direction throughout the time the [CNP] is performing services.

(Medicare and Medicaid Guide, CCH §3115, Joint Ex. 1, Exhibit 1).

4. On or about January 12, 1999, Dr. Redmond pleaded guilty to and was found guilty of one count of False, Fictitious or Fraudulent Claims and Aiding and Abetting, a class D felony, in violation of 18 USC §§ 287 and 2. (St. Ex. 4). The total amount of loss was determined to be \$2,195.00. (St. Ex. 3 at 4). The court sentenced Dr. Redmond to two years probation

and ordered him to perform 160 hours of community service. In addition, the court ordered him to pay a fine of \$3,500.00 and the cost of supervision at a rate \$249.72 per month. (St. Ex. 4).

In addition, despite the fact that the loss had been determined to be only \$2,195.00, the court ordered Dr. Redmond to pay restitution, within two weeks of sentencing, in the following amounts:

- a. \$1,069.62 to Ohio Department of Human Services, Medicare;
- b. \$1,126.05 to ODHS, Fraud Department;
- c. \$4,535.00 to Anthem Blue Cross and Blue Shield;
- d. \$687.00 to Bureau of Children with Medical Handicaps; and
- e. \$12,700.00 to Medical Mutual [formerly Blue Cross and Blue Shield of Ohio]

(St. Ex. 4).

5. At hearing, Dr. Redmond testified regarding the facts underlying his conviction. Dr. Redmond testified that he employs CNPs to assist him in his practice. Dr. Redmond testified that he relied on the CNPs primarily to obtain histories, to perform general physical examinations, and to provide counseling and education. (Tr. at 74-75; Joint Ex. 2). Dr. Redmond further testified that, when he was not in his office, he maintained contact with a beeper known as "Skypager" which works nationally, in a number of foreign countries, and in an airplane. Dr. Redmond testified that he has always been able to respond quickly when a CNP called. (Tr. at 77).

Dr. Redmond explained that his conviction resulted from his misunderstanding of the "incident to" billing rules. Dr. Redmond testified that he had believed that a physician could bill for services provided by a CNP in his employ regardless of whether he was present in the office when the services were provided, so long as he supervised the CNP. Dr. Redmond testified that he had come to this understanding after discussing the matter with other physicians and CNPs. Dr. Redmond stated that he had assumed that since the service was being provided, and the CNPs were properly supervised, the billing procedure was acceptable. Nevertheless, he later discovered that the "incident to" rules in effect at that time required that the physician be present in the same facility when the CNP provided the services. He stated that he should have investigated more thoroughly the legalities of billing. (Tr. at 78-79, 89-91).

6. Effective January 1, 1998, federal law changed to allow CNPs "to bill and be paid in their own right when they perform specialized services or take the place of a physician. At the same time, the amount of reimbursement for the services of CNPs was limited to "85% of the fee schedule for physicians." (Medicare and Medicaid Guide, CCH § 3465, 3467, Resp. Ex. 8).

In addition, the changes in the laws required that the CNP perform the services only "while working in collaboration with a physician." Collaboration was defined as follows:

- (i) Collaboration is a process in which a nurse practitioner works with one or more physicians to deliver health care services within the scope of the practitioner's expertise, with medical direction and appropriate supervision as provided for in the jointly developed guidelines or other mechanisms as provided by the law of the State in which the services are performed.

(Medicare and Medicaid Guide, CCH §410.76(c)(3)(i), Joint Ex. 1, Exhibit 3). Finally, the laws changed to eliminate the requirement that the physician directly supervise the CNP or that the physician be available in the same facility.

- (iii) The collaborating physician does not need to be present with the nurse practitioner when the services are furnished or to make an independent evaluation of each patient who is seen by the nurse practitioner.

(Medicare and Medicaid Guide, CCH §410.76(c)(3)(iii), Joint Ex. 1, Exhibit 3; Medicare and Medicaid Guide, CCH §§3465, 3467, Resp. Ex. 8).

7. Effective April 1, 1997, Ohio law pertaining to supervision of CNPs collaborating with physicians provided that the physician must be "continuously available" to the CNP by some form of telecommunication. (O.A.C. 4723-8-01, Joint Ex. 1, Exhibit 5).
8. At hearing, Dr. Redmond provided the testimony of colleagues and patients:
 - a. Leslie R. Sheeler, M.D., practices endocrinology in the Cleveland area. He worked in the Endocrinology Department at the Cleveland Clinic Foundation from 1977 through 1994. Dr. Sheeler has known Dr. Redmond since Dr. Redmond joined the Cleveland Clinic staff in the early 1980s. (Tr. at 15-17).

Dr. Sheeler testified that he knew Dr. Redmond as a pediatric endocrinologist who primarily saw children with growth disorders due to pituitary problems. Dr. Sheeler further stated that Dr. Redmond was one of the first physicians at the Cleveland Clinic to engage in research in growth hormones. He stated that Dr. Redmond also treated women with androgenic disorders. He noted that Dr. Redmond was one of the first physicians in the world to obtain a registry to perform a systematic study androgenic disorders in women. (Tr. at 17-20). Finally, Dr. Sheeler stated that Dr. Redmond had provided care to Dr. Sheeler's son. (Tr. at 21-22).

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- b. Angelo Licata, M.D., testified that he joined the Department of Endocrinology at the Cleveland Clinic in 1983. Dr. Licata testified that he knew Dr. Redmond and was aware that Dr. Redmond had developed subspecialties in endocrinology, including androgenic disorders, menstrual irregularities, hirsutism, and obesity. He further testified that Dr. Redmond has been involved in the development of synthetic growth hormones which had not been used previously. Dr. Licata stated that Dr. Redmond has treated unique patients that other endocrinologists would have refused to treat. (Tr. at 23-28).
- c. Teresa Kammerman, M.D., supervised the pediatric inpatient ward at Mt. Sinai Medical Center from 1990 to 1998. In 1997 and 1998, Dr. Kammerman served as the Interim Director of Pediatrics. (Tr. at 29-36).
- Dr. Kammerman testified that she met Dr. Redmond during her residency training at MetroHealth Medical Center/Rainbow Children's Hospital in Cleveland. She testified that Dr. Redmond often provided assistance to diabetic pediatric patients who presented acutely ill in the emergency room. Dr. Redmond also treated patients with growth hormone problems, including hypopituitarism and hypothyroidism. Dr. Kammerman further testified that Dr. Redmond consistently offered his assistance regardless of whether he would be reimbursed for his services. (Tr. at 30-33). Finally, Dr. Kammerman testified that Dr. Redmond was instrumental in the treatment of a child born without a pituitary gland, who Dr. Kammerman later adopted. (Tr. at 33-35).
- d. Joan Horowitz testified that that she first became acquainted with Dr. Redmond sixteen years ago, when he began treating her young son, Ira. Ira was suffering from serious emotional and social problems due to his size; Ira wore size 3 Toddler clothing in the first grade. Dr. Redmond started to treat Ira with growth hormone, and became personally involved in his care. Dr. Redmond continues to care for Ira at this time. As a young adult, Ira is 5'9". (Tr. at 37-43). Finally, Ms. Horowitz testified regarding Dr. Redmond's care of other patients and his involvement in organizations for families of children with growth disorders. (Tr. at 43-7) (See also Resp. Ex. 9 and Tr. at 55-56).
- e. Ira Horowitz described the positive impact Dr. Redmond has had on his life since early childhood. (Tr. at 48-50).
- f. Kathleen G. House testified regarding the care Dr. Redmond provided to her daughter. Ms. House's daughter suffered from diabetes insipidus and panhypopituitarism. (Tr. at 51-54).
9. Dr. Redmond provided letters of support from colleagues and patients. (Resp. Ex. 7).

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FINDINGS OF FACT

On or about January 12, 1999, in the United States District Court, Northern District of Ohio, Eastern Division, Geoffrey P. Redmond, M.D., pleaded guilty to and was found guilty of one count of False, Fictitious or Fraudulent Claims and Aiding and Abetting, a class D felony. The District Court sentenced Dr. Redmond to two years probation, ordered Dr. Redmond to perform 160 hours of community service and ordered Dr. Redmond to pay restitution of \$20,118.50 and a fine of \$3,500.00. Further, Dr. Redmond was required to pay the cost of supervision at a rate \$249.72 per month.

The acts underlying Dr. Redmond's guilty plea and the judicial finding of guilt were committed in the course of practice and include that from, May 1993 until December 1997, Dr. Redmond knowingly permitted "advanced practice nurses" to provide medical services to Dr. Redmond's patients and to bill Medicare and Medicaid using Dr. Redmond's provider number. Dr. Redmond was away from Dr. Redmond's office and did not directly supervise these employees.

CONCLUSIONS OF LAW

The guilty plea of Geoffrey P. Redmond, M.D., as set forth in the Findings of Fact, constitutes "[a] plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code (as in effect prior to March 9, 1999).

* * * * *

This Board has faced numerous physicians convicted of billing related felonies. In many circumstances, the conduct of the physician has warranted the severest sanction, permanent revocation. In this case, however, there are several mitigating circumstances. First, Dr. Redmond has no history of disciplinary problems. In addition, as was acknowledged by the court, he has accepted full responsibility for the improper billing. Moreover, he is very remorseful for his actions.

Most significantly, however, there is no evidence to support a conclusion that Dr. Redmond tried to develop a scheme to bilk the government of money. Dr. Redmond credibly testified that he had believed that the fact that the CNPs were properly trained and managed was sufficient to comply with the supervision requirement in the billing laws. Accordingly, the evidence in this matter supports a conclusion that, although Dr. Redmond knew that his CNPs were practicing during his absence, he did not know that this was a violation of the law. Therefore, there is no evidence to support a conclusion that Dr. Redmond intended to obtain undeserved reimbursement from government payors.

PROPOSED ORDER

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It is hereby ORDERED that:

The certificate of Geoffrey P. Redmond, M.D., to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for a period of one year. All but thirty days of said suspension are **STAYED**, subject to the following **PROBATIONARY** terms, conditions, and limitations for a period of at least three years:

- a. Dr. Redmond shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.
- b. Dr. Redmond shall obey all federal, state and local laws, and all rules governing the practice of medicine and surgery in Ohio, and all terms of probation imposed by the United States District Court for the Northern District of Ohio, Eastern Division, in *United States of America v. Geoffrey P. Redmond*, Case No. 98CR-321.
- c. Dr. Redmond shall appear in person for interviews before the full Board or its designated representative within three months of the date in which probation becomes effective, at three month intervals thereafter, and upon his request for termination of the probationary period, or as otherwise requested by the Board.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. Although the Board will normally give him written notification of scheduled appearances, it is Dr. Redmond's responsibility to know when personal appearances will occur. If he does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Dr. Redmond shall immediately submit to the Board a written request to be notified of his next scheduled appearance.

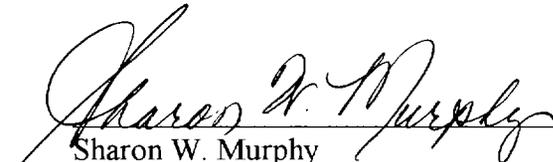
- d. Dr. Redmond shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which probation becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
- e. Within thirty days of the effective date of this Order, Dr. Redmond shall provide a copy of this Order by certified mail 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

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at each hospital where Dr. Redmond has privileges or appointments. Further, Dr. Redmond shall provide a copy of this Order by certified mail to all employers or entities with which he applies or contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where Dr. Redmond applies for or obtains privileges or appointments. Further, Dr. Redmond shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

- f. Within thirty days of the effective date of this Order, Dr. Redmond 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. Redmond 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 reinstatement of any professional license. Further, Dr. Redmond shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

This Order shall become effective within thirty days of the mailing of notification of approval by the Board.


Sharon W. Murphy
Attorney Hearing Examiner



State Medical Board of Ohio

77 S. High Street 17th Floor • Columbus, Ohio 43266-0315 • 614/466-3934 • Website: www.state.oh.us/med/

EXCERPT FROM THE DRAFT MINUTES OF SEPTEMBER 8, 1999

REPORTS AND RECOMMENDATIONS

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

Dr. Steinbergh 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 Harjit Bharmota, M.D.; Wirt R. Duff, M.D.; and Geoffrey P. Redmond, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Egner	- aye
	Mr. Browning	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Buchan	- aye
	Dr. Steinbergh	- aye

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Egner	- aye
	Mr. Browning	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Buchan	- aye
	Dr. Steinbergh	- aye

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.

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

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

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GEOFFREY P. REDMOND, M.D.

Dr. Steinbergh directed the Board's attention to the matter of Geoffrey P. Redmond, M.D. She advised that no objections were filed to Hearing Examiner Murphy's Report and Recommendation; however, a letter of clarification and request to address the Board were filed and were previously distributed to Board members.

Dr. Steinbergh advised that materials contained with Dr. Redmond's letter of clarification are being construed as a request to submit additional evidence. She asked whether the Assistant Attorney General wished to object to the admission.

Ms. Strait stated that she has no objection to the admission.

Dr. Steinbergh stated that, per Dr. Redmond's request, five minutes would be allowed for his address.

Mr. Antrim stated that he and Dr. Redmond are here simply to move the admission of their additional points of clarification to the Board in terms of the background and resumé of Dr. Redmond. Dr. Redmond is available to answer any questions. Mr. Antrim further stated that they have no objection to the Hearing Examiner's report. They believe that they worked cooperatively with both the Assistant Attorney General and the Hearing Examiner on this matter, and asked that the Board adopt the Hearing Examiner's Proposed Order.

Dr. Steinbergh asked whether the Assistant Attorney General wished to respond.

Ms. Strait stated that this is a matter involving a Medicare false claims conviction. The Board has seen quite a few of these types of felonies lately, and the decision as to what type of discipline is required is a matter within the Board's discretion. She would therefore leave it to the Board to determine the

appropriate sanction.

DR. SOMANI MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF GEOFFREY P. REDMOND, M.D. DR. AGRESTA SECONDED THE MOTION.

Dr. Steinbergh stated that she would now entertain discussion in the above matter.

Dr. Agresta stated that he thought that the presentation in the Report and Recommendation was appropriate, and the Conclusions of Law were self-explanatory. Dr. Agresta stated that he was impressed by the mitigating circumstances, and that the Proposed Order is appropriate.

Dr. Steinbergh stated that, having reviewed this case, she does not feel that the length of the proposed suspension is consistent with the Board's guidelines or its previous disciplinary decisions to suspend a license for this type of felony conviction. She added that she believes that the the proposed suspension period is too short in this case.

Dr. Somani stated that he was also concerned. The Board has taken a position that criminal convictions are very serious matters. They include lapses in judgment. In addition to the issue of fraud, the transcript indicates that there was practice by an A.P.N. without much supervision. Therefore, there are two issues: the first is fraud by submitting bills to Medicare, and the second is letting the A.P.N. do some of the things that require supervision. The issue before the Board is the issue of Dr. Remond's conviction for fraud. This is a very serious offense and the Board should not take an inappropriate action. A one-month suspension is not enough.

DR. SOMANI MOVED TO AMEND THE SUSPENSION PERIOD TO SIX MONTHS.

Dr. Somani noted that a six-month suspension is the usual suspension in such cases.

DR. BHATI SECONDED THE MOTION.

Dr. Stienecker stated that in the letter of clarification submitted by Dr. Redmond, it was pointed out that Dr. Redmond has a unique position in the practice of medicine in pediatric endocrinology. Dr. Stienecker stated that he doesn't believe that is germane to the issue of whether or not Dr. Redmond was engaged in a felonious process.

Dr. Stienecker continued that the people Dr. Redmond was supervising were, in fact, A.P.N.s. The Board has seen similar cases recently when nurses who were not A.P.N.s were permitted to practice in this manner. The Board took issue with those situations on the basis that unlicensed people were actually practicing. Dr. Stienecker stated that he doesn't think this case rises to that level inasmuch as A.P.N.s are now allowed to practice as Dr. Redmond was allowing them to practice. The law has corrected the inequity

of the preceding problem. However, even though A.P.N.s are now permitted by law to practice as Dr. Redmond had allowed, they were not permitted by law to do so at the time these acts occurred.

Dr. Stienecker stated that he cannot support a six-month suspension in this case. The proposed 30-day suspension is appropriate in this case.

Dr. Somani again spoke in support of his amendment. The Board has other cases where it has determined that the moral responsibility of the physician is very important. There are certain cases where the Board should take a strict position. These include cases involving sexual boundaries and convictions for fraud. Dr. Somani stated that six months is appropriate.

Dr. Bhati stated that this is a Class D felony. This is a serious offense, and a six-month suspension is reasonable. Dr. Redmond will be lucky to get off with a six-month suspension rather than a longer term.

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

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Egner	- nay
	Mr. Browning	- aye
	Dr. Stienecker	- nay
	Dr. Agresta	- nay
	Dr. Garg	- abstain
	Dr. Buchan	- nay
	Dr. Steinbergh	- aye

The motion carried.

DR. SOMANI MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF GEOFFREY P. REDMOND, M.D. DR. BHATI SECONDED THE MOTION.

Dr. Steinbergh asked for further discussion.

Dr. Buchan stated that he has the distinct impression that Dr. Redmond understands the seriousness of his offense. He also feels that a one-month suspension is reasonable. Dr. Buchan stated that the lessons have been harshly learned and he doesn't see a great service to take this physician out of practice for six months. He urged that the Board adopt a lesser suspension period.

Dr. Stienecker stated that in a similar case previously decided by the Board, a 120-day suspension was imposed. That individual was utilizing the services of someone who was not an A.P.N.

DR. STIENECKER MOVED TO AMEND THE SUSPENSION PERIOD OF THE AMENDED ORDER TO NINETY (90) DAYS, WITH THE PROBATIONARY TERMS TO REMAIN AS PROPOSED IN THE HEARING EXAMINER'S REPORT.

Dr. Steinbergh stated that this case has to do with fraudulent billing, not an A.P.N. working.

DR. BUCHAN SECONDED THE MOTION.

Dr. Bhati stated that a felony is a felony.

Dr. Stienecker stated that this was a Class D felony. There was only one charge against the physician.

Dr. Agresta stated that the Board's Disciplinary Guidelines are only guidelines and the Board doesn't want to get too hung up on them. They are a guide. Sometimes, in reading through hearing records, the Board members will get a good feeling about a case, and sometimes they will get a bad feeling about a case. That's what the Board votes on sometimes. He didn't have that bad of a feeling when he read through this case.

Dr. Somani stated that he is still concerned about the basic tenets of physicians in practice. The Board expects its licensees to have very high moral standards and to abide by those. There is a proposed sanction for a plea of guilty or judicial finding of guilt of a felony relating to practice. This case fits perfectly within that definition. The minimum penalty proposed is a permanent revocation of a certificate or permanent denial of an application. This physician has committed fraud, he's accepted the court's decision, and six months is reasonable. Less than that is not appropriate.

Dr. Egner stated that this particular guideline, VIII.A, is one that the Board follows least often. The Board needs to bear that in mind. Dr. Egner stated that she is in favor of a 30-day suspension but would accept a 90-day suspension.

Dr. Stienecker stated that this case hinges upon a problem occurring because of the physician's supervision of an A.P.N. That engendered the federal felony charge because that was abrogated. This case revolved around what is direct supervision and being present in the suite. Was he properly directly supervising? Was that the understanding? There is only one response to that question as far as the federal statutes are concerned. It's a felony. They don't give you a misdemeanor on that. There's no wiggle room for him to work with based on the severity of the transgression. Dr. Stienecker stated that the 30-day suspension is correct under the circumstances. He has offered the 90 days as a compromise.

Dr. Buchan stated that 90 days gets the point across and is a good compromise in this case.

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

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- nay
	Dr. Egner	- aye
	Mr. Browning	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Buchan	- aye
	Dr. Steinbergh	- aye

The motion carried.

DR. BHATI MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF GEOFFREY P. REDMOND, M.D. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Egner	- aye
	Mr. Browning	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Buchan	- aye
	Dr. Steinbergh	- aye

The motion carried.



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

April 14, 1999

Geoffrey P. Redmond, M.D.
Five Commerce Bank Square
23250 Chagrin Blvd. #235
Beachwood, OH 44122

Dear Doctor Redmond:

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) On or about January 12, 1999, in the United States District Court, Northern District of Ohio, Eastern Division, you pleaded guilty to and were found guilty of one (1) count of False, Fictitious or Fraudulent Claims and Aiding and Abetting, a class D felony. The District Court sentenced you to two (2) years probation, ordered you to perform 160 hours of community service and ordered you to pay restitution of \$20,118.50 and a fine of \$3,500.00. Further, you are required to pay the cost of supervision at a rate \$249.72 per month.

The acts underlying your guilty plea and the judicial finding of guilt were committed in the course of practice and include that from, May 1993 until December 1997, you knowingly permitted "advanced practice nurses" to provide medical services to your patients and to bill Medicare and Medicaid using your provider number. You were away from your office and did not directly supervise these employees.

Your plea of guilty and judicial finding of guilt, as alleged in paragraph (1) above, individually and/or collectively, constitute "[a] plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code (as in effect prior to March 9, 1999).

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.

Mailed 4/15/99

Geoffrey P. Redmond, M.D.

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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,



Anand G. Garg, M.D.
Secretary

AGG/jag
Enclosures

CERTIFIED MAIL # Z 233 895 064
RETURN RECEIPT REQUESTED

cc: Donald A. Antrim
Kegler, Brown, Hill & Ritter
Capital Square, Suite 1800
65 East State Street
Columbus, OH 43215-4294

CERTIFIED MAIL # Z 233 895 065
RETURN RECEIPT REQUESTED