

**CONSENT AGREEMENT
BETWEEN
CYNTHIA D. WESTER-BRONER, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO
Case No. 09-CRF-048**

This Consent Agreement is entered into by and between Cynthia D. Wester-Broner M.D., [Dr. Wester-Broner], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Wester-Broner enters into this Consent Agreement being fully informed of her rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by R.C. 4731.22(B), to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for any of the enumerated violations.
- B. The Board and Dr. Wester-Broner enter into this Consent Agreement in lieu of further formal proceedings based upon the allegations set forth in the Notice of Opportunity for Hearing issued on April 8, 2009, attached hereto as Exhibit A and incorporated herein by this reference. The Board expressly reserves the right to institute additional formal proceedings based upon any other violations of R.C. Chapter 4731., whether occurring before or after the effective date of this Consent Agreement.
- C. Dr. Wester-Broner's license to practice medicine and surgery in the State of Ohio, License 35.058575, has been suspended since April 11, 2001.
- D. Dr. Wester-Broner states that she is not currently licensed to practice medicine in any other state or jurisdiction. Dr. Wester-Broner has inactive licenses in Florida and Tennessee.
- E. Dr. Wester-Broner admits to the factual and legal allegations as set forth in the April 8, 2009, Notice of Opportunity for Hearing.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, Dr. Wester-Broner knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

DENIAL OF RESTORATION APPLICATION; CONTINUATION OF SUSPENSION

1. The January 2008 Application of Cynthia D. Wester-Broner, M.D., for restoration of her certificate to practice medicine and surgery in Ohio is DENIED and the suspension imposed by the Board Order of April 11, 2001 is continued.

CONDITIONS FOR RESTORATION

2. The Board shall not consider any request for restoration of Dr. Wester-Broner's certificate to practice medicine and surgery until all of the following conditions are met. Further, if Dr. Wester-Broner fails to provide documentation acceptable to the Board of having met all the following conditions within six months of requesting restoration, her application will be considered abandoned and no further processing or action shall be undertaken with respect to that application.
 - a. Dr. Wester-Broner shall submit an application for restoration accompanied by appropriate fees. Submitted fees shall be neither refundable nor transferable.
 - b. Dr. Wester-Broner shall submit two written reports indicating that, no more than three months prior to submitting her completed application for reinstatement, Dr. Wester-Broner has been psychiatrically evaluated, at which time Dr. Wester-Broner's ability to practice medicine was assessed and she was found capable of practicing medicine according to acceptable and prevailing standards of care. The evaluations shall be conducted by psychiatrists approved in advance by the Board. The evaluations shall be at the expense of Dr. Wester-Broner. Prior to the evaluations, Dr. Wester-Broner shall provide the evaluators with a copy of the 2001 Order, this consent agreement and any other information which the Board deems may be appropriate to the evaluator. Dr. Wester-Broner shall also sign and give to the Board, prior to the evaluations, patient record release forms for any treatment she has received from psychological or psychiatric treatment providers in the last five years. Dr. Wester-Broner further authorizes release of the evaluators' reports to the Board and shall ensure that the Board is provided with a copy of each report. The reports shall describe the basis for the evaluators' determinations and shall include a detailed recommended plan of any care, counseling, and/or treatment that may be required for Dr. Wester-Broner. The reports shall also include any conditions, restrictions, or limitations that should be imposed on Dr. Wester-Broner's license;

- c. Dr. Wester-Broner shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, by any and all parties that provide treatment or evaluation for Dr. Wester-Broner's psychiatric illness or related conditions, or for purposes of complying with this Consent Agreement whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Wester-Broner shall provide the Board written consent permitting any treatment provider from whom she obtains psychiatric treatment to notify the Board in the event she fails to agree to or comply with his psychiatric treatment plan;
- d. Dr. Wester-Broner shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board within 180 days of the date upon which all the above specified conditions for restoration have been completed or, if the Board and Dr. Wester-Broner are unable to agree on the terms of a written consent agreement, then Dr. Wester-Broner further agrees to abide by any terms, conditions, and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119 of the Ohio Revised Code. The Board shall provide notice to Dr. Wester-Broner of her hearing rights and stating the date, time, and location of the hearing at which the Board will present evidence, after which the Board will make a determination of the matter by Board Order.

Further, upon restoration of Dr. Wester-Broner's certificate to practice medicine and surgery in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before restoration or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119 of the Revised Code.

- e. **Additional Evidence of Fitness To Resume Practice:** Prior to submitting her application for reinstatement or restoration, Dr. Wester-Broner shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess Dr. Wester-Broner's clinical competency.

REQUIRED REPORTING BY LICENSEE

3. Within thirty days of the effective date of this Consent Agreement, Dr. Wester-Broner shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services (including but not limited to third party payors) or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Wester-Broner shall promptly provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at

each hospital where she applies for or obtains privileges or appointments. In the event that Dr. Wester-Broner provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Wester-Broner shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Wester-Broner shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

4. Within thirty days of the effective date of this Consent Agreement, Dr. Wester-Broner shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which she currently holds any license or certificate. Dr. Wester-Broner further agrees to provide a copy of this Consent Agreement at 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. Wester-Broner shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
5. Dr. Wester-Broner shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Wester-Broner appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations

or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Wester-Broner acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

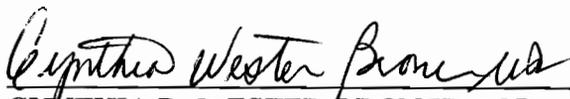
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Wester-Broner hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Wester-Broner acknowledges that her social security number will be used if this information is so reported and agrees to provide her social security number to the Board for such purposes.

EFFECTIVE DATE

It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.


CYNTHIA D. WESTER-BRONER, M.D.


LANCE A. TALMAGE, M.D.
Secretary

8/6/09
DATE

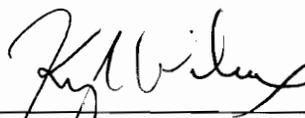
8-12-09
DATE


TERRI-LYNNE SMILES
Attorney for Dr. Wester-Broner


RAYMOND J. ALBERT
Supervising Member

8/6/09
DATE

8/12/09
DATE



Kyle E. Wilcox
Assistant Attorney General

8-7-09

DATE

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

April 8, 2009

Case number: 09-CRF- 048

Cynthia D. Wester-Broner, M.D.
723 Moon Rd., Apt C
Columbus, OH 43224

Dear Doctor Wester-Broner:

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 reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about April 11, 2001, the Board approved and confirmed Findings, Order and Journal Entry [2001 FOJE], based on your violation of Section 4731.22(B)(19), Ohio Revised Code. The Board ordered that your certificate to practice medicine and surgery shall be suspended for an indefinite period of time, and that it would not consider reinstatement of your certificate to practice medicine and surgery unless and until certain conditions were met, including that you "shall submit two written reports indicating that, no more than three months prior to submitting [your] completed application for reinstatement, [you have] been psychiatrically evaluated, at which time [your] ability to practice medicine was assessed and [you were] found capable of practicing medicine according to acceptable and prevailing standards of care." The Board further ordered that in the event that you have not been engaged in the active practice of medicine for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of your fitness to resume practice.

To date you remain subject to all terms, findings and orders of the 2001 FOJE, a copy of which is attached hereto and fully incorporated herein.

- (2) In or around April 2004, you caused to be submitted to the Board an Application for License Restoration Medicine or Osteopathic Medicine [2004 Application for Restoration]. On or about October 12, 2005, the Board issued

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to you a Notice of Opportunity for Hearing, wherein it was alleged that you failed to fulfill all the requisite conditions that were set forth in the Board's 2001 FOJE; that there was cause for the Board to exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of your fitness to practice because you had not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to your application for restoration; and that you had violated Section 4731.22(B)(19), Ohio Revised Code.

On or about June 14, 2006, the Board issued an Entry of Order wherein it denied your 2004 Application for Restoration.

- (3) In or about January 2008, you caused to be submitted to the Board another Application for License Restoration Medicine or Osteopathic Medicine [2008 Application for Restoration], which remains pending at this time. You have informed the Board that you have not actively practiced medicine and surgery since in or about July 1998.

You have further failed to satisfy the conditions for reinstatement of your certificate, as set forth in the Board's 2001 FOJE, which required that you submit two written reports indicating that, no more than three months prior to submitting your completed application for reinstatement, you have been psychiatrically evaluated, at which time your ability to practice medicine was assessed and you were found capable of practicing medicine according to acceptable and prevailing standards of care.

As alleged in paragraphs (1) through (3) above, you have requested restoration of your certificate to practice medicine and surgery in Ohio, but you failed to fulfill the requisite condition, as set forth in the Board's 2001 FOJE, that requires you to submit to the Board two written reports indicating that, no more than three months prior to submitting your completed application for reinstatement, you have been psychiatrically evaluated, at which time your ability to practice medicine was assessed and you were found capable of practicing medicine according to acceptable and prevailing standards of care.

Further, your failure to be engaged in the active practice of medicine and surgery for a period in excess of two years prior to your application for restoration, as alleged in paragraph (3) above, constitutes cause for the Board to exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of your fitness to resume practice.

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 reprimand you 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

LAT/MRB/flb

Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3083 5535
RETURN RECEIPT REQUESTED



State Medical Board of Ohio

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

April 11, 2001

Cynthia W. Broner, M.D.
949 Grandon Avenue
Columbus, OH 43209

Dear Doctor Broner:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on April 11, 2001.

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 of the Ohio Revised Code.

Very truly yours,

Anand G. Garg, M.D.
Secretary

AGG: mcb
Enclosures

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RETURN RECEIPT REQUESTED

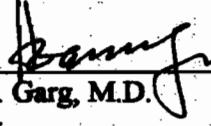
Cc: Douglas J. Haynes, Esq.
118 East Main Street
Columbus, OH 43215
CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5140 5475
RETURN RECEIPT REQUESTED

Mailed 4-12-01

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on April 11, 2001, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Cynthia W. Broner, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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



Anand G. Garg, M.D.
Secretary

(SEAL)

APRIL 11, 2001

Date

THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CYNTHIA W. BRONER, M.D.

*

FINDINGS, ORDER AND JOURNAL ENTRY

On March 2, 2001, the State Medical Board of Ohio sent to Cynthia W. Broner, M.D., a letter via certified mail, return receipt requested, stating that the Board had reason to believe that Dr. Broner was unable to practice according to acceptable and prevailing standards of care pursuant to Section 4731.22(B)(19), Ohio Revised Code, to wit: "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills."

The letter further indicated that this determination was based upon one or more of the following reasons:

- (1) On or about June 28, 1998, Dr. Broner's medical staff privileges were indefinitely suspended at Children's Hospital, Columbus, Ohio, because her mental state was deemed to have contributed to her display of disruptive behavior and unprofessional conduct. Specifically, Children's Hospital alleged that Dr. Broner "had not conducted herself in a professional and courteous way so as to reflect a respect for the rights of others and foster quality patient care." Children's Hospital also alleged that Dr. Broner's "disruptive behavior further prevented Children's Hospital from scheduling a hearing to make its action effective."
- (2) On or about March 21, 2001, Children's Hospital, Columbus, Ohio, extended its action of June 28, 1998 (see (1), above), and permanently suspended Dr. Broner's medical staff privileges and membership at the Hospital. The Hospital found that Dr. Broner's "mental state [had] contributed to unprofessional conduct and disruptive behavior which could be an impediment to critical decision making affecting patient care."
- (3) A representative of Children's Hospital reported to a State Medical Board of Ohio Investigator on May 11, 2000, that Dr. Broner had displayed delusional and unrealistic thinking. In particular, Dr. Broner had started to refer to another physician at the hospital as her husband, had used this physician's name on papers to obtain a home loan, and had sent this particular physician unwelcomed e-mail messages.
- (4) In a meeting with a State Medical Board of Ohio Investigator on May 25, 2000, Dr. Broner informed that she had received psychological and psychiatric treatment in the past.

The March 2, 2001, certified letter from the Board further notified Cynthia W. Broner, M.D., that, pursuant to Section 4731.22(B)(19), Ohio Revised Code, she was ordered to submit to an examination. The examination was scheduled to take place at The Vern Riffe Center, 77 South High Street, 19th Floor, Room 1913, Columbus, Ohio, with Stephen G. Noffsinger, M.D., on March 28, 2001, at 1:30 p.m.

The March 2, 2001, certified letter from the Board further notified Dr. Broner that failure of an individual to submit to an examination as directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. Finally, the letter notified Dr. Broner that if she failed to submit to the examination, and such failure was not due to circumstances beyond her control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

Pursuant to Section 119.07, Ohio Revised Code, Dr. Broner was duly notified of the examination order and its scheduled date. The certified letter return receipt is signed by Dr. Broner and dated March 12, 2001. Dr. Broner failed to appear for the psychiatric examination that the Board scheduled for her. At no time did Dr. Broner inform the Board that her failure to appear was due to circumstances beyond her control.

WHEREFORE, pursuant to Section 4731.22(B)(19), Ohio Revised Code, the Board hereby FINDS that Cynthia W. Broner, M.D., has admitted the truth of the allegations set forth in the March 2, 2001, letter from the Board to Dr. Broner. The Board further FINDS that Dr. Broner is unable to practice according to acceptable and prevailing standards of care pursuant to Section 4731.22(B)(19), Ohio Revised Code, to wit: "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills."

WHEREFORE, it is hereby ORDERED that:

1. The certificate of Dr. Broner to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
2. The Board shall not consider reinstatement of Dr. Broner's certificate to practice medicine and surgery unless and until all of the following conditions are met:
 - a. Dr. Broner shall submit an application for reinstatement, accompanied by appropriate fees, if any;
 - b. Dr. Broner shall submit two written reports indicating that, no more than three months prior to submitting her completed application for reinstatement, Dr. Broner has been psychiatrically evaluated, at which time Dr. Broner's ability to practice medicine was assessed and she was found capable of practicing medicine according to acceptable and prevailing standards of care. The evaluations shall be conducted by psychiatrists approved in advance by the Board. The evaluations shall be at the expense of Dr. Broner. Prior to the evaluations, Dr. Broner shall

provide the evaluators with a copy of this Order and any other information which the Board deems may be appropriate to the evaluator. Dr. Broner shall also sign and give to the Board, prior to the evaluations, patient record release forms for any treatment she has received from psychological or psychiatric treatment providers in the last five years. Dr. Broner further authorizes release of the evaluators' reports to the Board and shall ensure that the Board is provided with a copy of each report. The reports shall describe the basis for the evaluators' determinations and shall include a detailed recommended plan of any care, counseling, and/or treatment that may be required for Dr. Broner. The reports shall also include any conditions, restrictions, or limitations that should be imposed on Dr. Broner's license;

- c. Dr. Broner shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, by any and all parties that provide treatment or evaluation for Dr. Broner's psychiatric illness or related conditions, or for purposes of complying with this Order whether such treatment or evaluation occurred before or after the effective date of this Order. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Broner shall provide the Board written consent permitting any treatment provider from whom she obtains psychiatric treatment to notify the Board in the event she fails to agree to or comply with his psychiatric treatment plan;
- d. Dr. Broner shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board for a minimum period, to be determined by the Board, or, if the Board and Dr. Broner are unable to agree on the terms of a written consent agreement, then Dr. Broner shall abide by any terms, conditions, and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code;

Further, upon reinstatement, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code;

- 3. In the event that Dr. Broner has not been engaged in the active practice of medicine for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Broner's fitness to resume practice;
- 4. Within thirty (30) days of the effective date of this Order, Dr. Broner shall provide a copy of this Order to all employers or entities with which she is under contract to provide physician services or is receiving training, and the Chief of Staff at each hospital where she has privileges or appointments. Further, within thirty (30) days of the effective date of this Order, Dr. Broner 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 she currently holds or applies for any professional license or reinstatement of any professional license. Doctor Broner shall provide this Board with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

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

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 11TH day of APRIL, 2001, and the original thereof shall be kept with said Journal.



Anand G. Garg, M.D.
Secretary

(SEAL)

APRIL 11, 2001

Date



State Medical Board of Ohio

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

June 14, 2006

Cynthia Dianne Wester-Broner, M.D.
723 Moon Road, Apt. C
Columbus, OH 43224

Dear Doctor Wester-Broner:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 14, 2006, 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 an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7003 0500 0002 4329 9699
RETURN RECEIPT REQUESTED

Mailed 6-16-06

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 June 14, 2006, 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 Cynthia Dianne Wester-Broner, 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)

June 14, 2006
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

CYNTHIA DIANNE
WESTER-BRONER, M.D.

*

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on June 14, 2006.

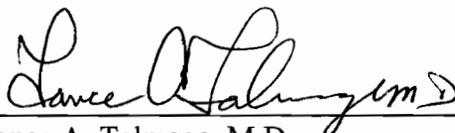
Upon the Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board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

It is hereby ORDERED that:

The application of Cynthia Dianne Wester-Broner, M.D., for restoration of her certificate to practice medicine and surgery in Ohio is hereby DENIED.

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

(SEAL)



Lance A. Talmage, M.D.
Secretary

June 14, 2006

Date

2006 APR 26 A 8:52

**REPORT AND RECOMMENDATION
IN THE MATTER OF CYNTHIA DIANNE WESTER-BRONER, M.D.**

The Matter of Cynthia Dianne Wester-Broner, M.D., was heard by Sharon W. Murphy, Esq., Hearing Examiner for the State Medical Board of Ohio, on December 9, 2005.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated October 12, 2005, the State Medical Board of Ohio [Board] notified Cynthia Dianne Wester-Broner, M.D., that it had proposed to deny her application for reinstatement of, or to take disciplinary action against, her certificate to practice medicine and surgery in Ohio. The Board based its proposed action on allegations pertaining to Dr. Wester-Broner's history of mental impairment and her failure to comply with the terms of reinstatement set forth in a prior Board Order.

The Board further alleged that Dr. Wester-Broner's alleged mental impairment constitutes the "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised Code. In addition the Board alleged that Dr. Wester-Broner had not been engaged in the practice of medicine and surgery for a period in excess of two years prior to her application for restoration, which constitutes cause for the Board to exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of her fitness to resume practice. (State's Exhibit 1A)

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

- B. On October 18, 2005, the Board received a written hearing request submitted by Dr. Wester-Broner. (State's Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Damion M. Clifford, Assistant Attorney General.

- B. On behalf of the Respondent: Dr. Wester-Broner, having been apprised of her right to be represented by counsel, appeared at the hearing on her own behalf.

EVIDENCE EXAMINED

I. Testimony Heard

A. Presented by the State

1. Phillip L. Border, M.D.
2. Victoria L. Sanelli, M.D.
3. Barbara A. Jacobs, Esq.
4. Cynthia Dianne Wester-Broner, M.D., as if on cross-examination

B. Presented by the Respondent

Cynthia Dianne Wester-Broner, M.D.

II. Exhibits Examined

Presented by the State

- A. State's Exhibits 1A-1L: Procedural exhibits.
- B. State's Exhibit 2: Certified copies of documents submitted to the Board by Dr. Wester-Broner in applying for restoration of her certificate to practice medicine and surgery in this State.
- C. State's Exhibit 3: Certified copies of documents related to the Board's April 11, 2001, Findings, Order and Journal Entry pertaining to Dr. Wester-Broner.
- D. State's Exhibits 4 and 5: Reports of evaluation of Dr. Wester-Broner written by Phillip L. Borders, M.D., Licking Memorial Health Professionals, Newark, Ohio. (Note: These exhibits are sealed to protect patient confidentiality.)
- E. State's Exhibit 6: Report of evaluation of Dr. Wester-Broner written by Victoria L. Sanelli, M.D., Center for Akron Psychiatry, Akron, Ohio. (Note: This exhibit is sealed to protect patient confidentiality.)

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. Cynthia Dianne Wester-Broner, M.D., testified that she had received her medical degree from the University of South Florida in Tampa, Florida. In 1982, Dr. Wester-Broner completed a pediatric residency at the University of South Florida. She remained on staff at the University of South Florida for the following three years. Subsequently, Dr. Wester-Broner participated in a pediatric critical care fellowship at the University of Tennessee in Memphis, Tennessee. In 1989, upon finishing her fellowship, Dr. Wester-Broner accepted a position in clinical medicine and research at Children's Hospital in Columbus, Ohio. Dr. Wester-Broner remained at Children's Hospital until 1998. After leaving Children's Hospital, Dr. Wester-Broner remained unemployed until October 2003. Since that time, Dr. Wester-Broner has been serving as an educator/lecturer for Microdose International, Inc. (Hearing Transcript [Tr.] at 103-106; State's Exhibit [St. Ex.] 2 at 1)

Dr. Wester-Broner is certified in pediatric critical care medicine by the American Board of Pediatrics. (St. Ex. 2 at 21, 28) She holds expired licenses to practice medicine and surgery in Florida and Tennessee; her Ohio certificate is currently under suspension. (Tr. at 103)

2. By letter dated March 2, 2001, the Board advised Dr. Wester-Broner that it had reason to believe that she was unable to practice according to acceptable and prevailing standards of care due to mental or physical illness. (St. Ex. 3 at 6) As basis for that belief, the Board provided as follows:
 - (1) On or about June 28, 1998, [Dr. Wester-Broner's] medical staff privileges were indefinitely suspended at Children's Hospital, Columbus, Ohio, because her mental state was deemed to have contributed to her display of disruptive behavior and unprofessional conduct. Specifically, Children's Hospital alleged that [Dr. Wester-Broner] "had not conducted herself in a professional and courteous way so as to reflect a respect for the rights of others and foster quality patient care." Children's Hospital also alleged that [Dr. Wester-Broner's] "disruptive behavior further prevented Children's Hospital from scheduling a hearing to make its action effective."
 - (2) On or about March 21, 2001, Children's Hospital, Columbus, Ohio, extended its action of June 28, 1998 (see (1) above), and permanently suspended [Dr. Wester-Broner's] medical staff privileges and membership at the hospital. The hospital found that [Dr. Wester-Broner's] "mental state

[had] contributed to unprofessional conduct and disruptive behavior which could be an impediment to critical decision-making affecting patient care.”

- (3) A representative of Children’s Hospital reported to a State Medical Board of Ohio Investigator on May 11, 2000, that [Dr. Wester-Broner] had displayed delusional and unrealistic thinking. In particular, [Dr. Wester-Broner] had started to refer to another physician at the hospital as her husband, had used this physician’s name on papers to obtain a home loan, and had sent this particular physician unwelcome e-mail messages.
- (4) In a meeting with a State Medical Board of Ohio Investigator on May 25, 2000, [Dr. Wester-Broner] informed that she had received psychological and psychiatric treatment in the past.

(St. Ex. 3 at 6)

In the March 2001 letter, the Board further advised Dr. Wester-Broner that she was required to submit to a psychiatric evaluation and that failure to submit to the examination would constitute an admission of the allegations against her. Although Dr. Wester-Broner had been advised of the time and date of the evaluation, she did not appear for the evaluation. Moreover, she did not provide the Board with any justification for failing to appear for the evaluation. (St. Ex. 3 at 7)

Therefore, in accordance with statutory authority, on April 11, 2001, the Board approved and confirmed a Findings, Order and Journal Entry, in the matter of Cynthia W. Broner, M.D., [Dr. Wester-Broner] based on Dr. Wester-Broner’s violation of Section 4731.22(B)(19), Ohio Revised Code. The Board ordered that Dr. Wester-Broner’s certificate to practice medicine and surgery shall be suspended for an indefinite period of time, and that it would not consider reinstatement of her certificate until certain conditions were met. These conditions included that Dr. Wester-Broner “shall submit two written reports indicating that, no more than three months prior to submitting her completed application for reinstatement, she shall have been psychiatrically evaluated, at which time her ability to practice medicine would be assessed and she would have been found capable of practicing medicine according to acceptable and prevailing standards of care.” The Board further ordered that, in the event that Dr. Wester-Broner had not been engaged in the active practice of medicine for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of her fitness to resume practice. (St. Ex. 3 at 7-8)

3. In April 2004, Dr. Wester-Broner submitted to the Board an “Application for License Restoration - Medicine or Osteopathic Medicine,” which remains pending at this time. In the application, Dr. Wester-Broner informed the Board that she has not actively practiced medicine and surgery since 1998. (St. Ex. 2; Tr. at 95-96)

4. By letter dated February 17, 2004, Phillip L. Borders, M.D., a psychiatrist, advised that he had evaluated Dr. Wester-Broner on January 30, 2004. Dr. Borders provided a lengthy discussion of that evaluation. Dr. Borders further noted in his "Impressions" that it was difficult to specify an Axis I diagnosis for Dr. Wester-Broner. He explained that the history she provided had been fragmented, her insight had been impaired, and her thinking had been illogical. Moreover, Dr. Borders opined that he would be unable to recommend medical licensure for Dr. Wester-Broner at that time. He recommended that Dr. Wester-Broner undergo full psychological testing, including an MMPI, to assist in formulating a diagnosis. (St. Ex. 4)

Dr. Borders evaluated Dr. Wester-Broner again on March 15, 2005. Dr. Borders continued to be concerned with Dr. Wester-Broner's lack of insight, and questioned the possibility of her having a psychotic disorder. Again, Dr. Borders opined that he could not recommend licensure for Dr. Wester-Broner at that time. (St. Ex. 5)

5. Dr. Borders testified at hearing on behalf of the state. Dr. Borders testified that he had received his medical degree from the Northeastern Ohio University College of Medicine. Subsequently, he completed a psychiatric residency at the same institution. Dr. Borders stated that he has practiced psychiatry for nine years, and for six of those years he has been the Medical Director of Psychiatric Services at Licking Memorial Hospital's Behavioral Health Unit at Shepherd Hill. Dr. Borders testified that he is certified in psychiatry by the American Board of Psychiatry and Neurology. (Tr. at 16-18)

Dr. Borders testified regarding his evaluations of Dr. Wester-Broner. He stated that the history she had provided was "rather fragmented," likely due to her impaired insight and disorganized thinking. As an example, Dr. Borders discussed Dr. Wester-Broner's inconsistent reports of her relationship with the physician at Children's Hospital. Dr. Borders stated that, during the first interview, Dr. Wester-Broner had denied ever having claimed that the Children's Hospital physician was her husband, that she had used his name on a mortgage application, or that she had sent him unwelcome e-mail messages. Yet, in a document hand written by Dr. Wester-Broner in 2001, Dr. Wester-Broner had stated that she had married this physician in 1995, that they planned to purchase a new home, and that she had signed mortgage papers in his name. Nevertheless, in a 2003 letter, Dr. Wester-Broner denied saying that the physician was her husband or that she had applied for a mortgage with him. At the same time, she said that she could not understand why the Board would be interested in a licensee applying for a house mortgage with her fiancé or significant other. Finally, during her second interview with Dr. Borders, Dr. Wester-Broner stated that she and this physician had been pretending to be husband of wife. She stated they had been playing a game at the hospital and that everyone had been aware of the game. (Tr. at 19-20, 23-25, 46)

Dr. Borders further testified that Dr. Wester-Broner had also made rather confusing statements regarding her prior relationship with a psychiatrist. Dr. Wester-Broner reported to Dr. Borders that she had seen the psychiatrist because she had been sent there by the National Board of Medical Examiners [NBME] “to evaluate psychiatry.” She further stated that she had been chosen for this assignment because she had passed the portion of the NBME examination devoted to psychiatry, which had made her qualified to evaluate psychiatrists. Dr. Wester-Broner insisted that this was true despite the fact that she had no specialization or Board certification in psychiatry. (Tr. at 25-26)

Dr. Borders revealed other instances of Dr. Wester-Broner’s inconsistent or disorganized thinking. (Tr. at 26-35, 43-60)

Dr. Borders stated that Dr. Wester-Broner had seemed somewhat narcissistic, grandiose, paranoid, and eccentric. Dr. Borders explained that he had had difficulty arriving at appropriate diagnoses due to Dr. Wester-Broner’s disorganized presentation. Nevertheless, he suggested that, for an Axis I diagnosis, Dr. Wester-Broner may suffer from a delusional disorder or a psychotic disorder, not otherwise specified. Dr. Borders also opined that, for Axis II diagnoses, Dr. Wester-Broner may have a schizotypal personality style, reflected by eccentric or bizarre associations in thinking. She may also have a paranoid personality style, reflected by her suspicions about society, employers, and government. Finally, Dr. Borders opined that Dr. Wester-Broner may have a narcissistic personality style, reflected by her need to over-represent herself to compensate for insecurity about herself. (Tr. at 36-40)

Finally, Dr. Borders concluded that Dr. Wester-Broner is incapable of practicing medicine according to acceptable and prevailing standards of care. (Tr. at 51-52)

6. By letter dated August 3, 2005, Victoria L. Sanelli, M.D., a psychiatrist, advised that she had seen Dr. Wester-Broner for evaluation on June 7, 2005. In her report of the evaluation, Dr. Sanelli stated that she had found Dr. Wester-Broner to be “vague” and “guarded” about significant events in her life. Dr. Sanelli further stated that Dr. Wester-Broner had had no insight into the seriousness of her behavior that had led to the suspension of her privileges at Children’s Hospital and the suspension of her certificate by the Board. Dr. Sanelli opined that Dr. Wester-Broner suffered from a delusional disorder that, in combination with her lack of insight, rendered her incapable of practicing medicine according to acceptable and prevailing standards of care. (St. Ex. 6)
7. Dr. Sanelli testified at hearing on behalf of the Board. Dr. Sanelli testified that she had obtained her medical degree from the University of Connecticut in 1996, and had completed a psychiatry residency in 2001. Dr. Sanelli stated that she is the Medical Director of the Addiction Program at St. Thomas Summa Hospitals in Akron, Ohio. She also maintains a private practice in general adult psychiatry. Dr. Sanelli is certified by the

American Board of Psychiatry and Neurology and by the American Society of Addiction Medicine. (Tr. at 61-64)

Dr. Sanelli testified that, during her evaluation of Dr. Wester-Broner, Dr. Wester-Broner had been unable to provide a clear history of the events that had led to the suspension of her license. Moreover, Dr. Sanelli testified that she had been concerned about Dr. Wester-Broner's indifference and lack of emotional response to significantly difficult events in her life, such as her deteriorating social situation and the loss of her children. (Tr. at 66-87)

Dr. Sanelli testified that it is difficult to diagnose Dr. Wester-Broner, due to Dr. Wester-Broner's lack of insight and inability to provide much clear information regarding her history. Dr. Sanelli concluded that delusional disorder is the most likely diagnosis. Moreover, Dr. Sanelli concluded that Dr. Wester-Broner is unable to practice medicine and surgery due to her lack of insight and psychiatric impairment. (Tr. at 78-80)

8. At hearing, Dr. Wester-Broner discussed many of the personal and professional matters that had been addressed by Dr. Borders and Dr. Sanelli. (Tr. at 106-117)

FINDINGS OF FACT

1. On April 11, 2001, the Board approved and confirmed a Findings, Order and Journal Entry pertaining to Cynthia Dianne Wester-Broner, M.D. The Board based its action on Dr. Wester-Broner's violation of Section 4731.22(B)(19), Ohio Revised Code. Moreover, the Board ordered that Dr. Wester-Broner's certificate to practice medicine and surgery in Ohio is suspended for an indefinite period of time, and that it would not consider reinstatement of her certificate until certain conditions had been met. Among those conditions, Dr. Wester-Broner was required to submit two written reports indicating that she had been psychiatrically evaluated, and that it had been determined that she is capable of practicing medicine and surgery according to acceptable and prevailing standards of care.
2. In April 2004, Dr. Wester-Broner submitted to the Board an Application for License Restoration Medicine or Osteopathic Medicine. At that time, she had not met the requirements set forth in the Board's April 2001 Findings, Order and Journal Entry. Since that time, Dr. Wester-Broner has been evaluated by two psychiatrists, both of whom opined that Dr. Wester-Broner is not currently capable of practicing medicine and surgery according to acceptable and prevailing standards of care. Moreover, Dr. Wester-Broner has not submitted any reports indicating that she is capable of practicing medicine and surgery according to acceptable and prevailing standards of care.
3. Dr. Wester-Broner has not practiced medicine and surgery since 1998.

CONCLUSIONS OF LAW

1. The condition of Cynthia Dianne Wester-Broner, M.D., as set forth in Findings of Fact 1 and 2, constitutes an “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills,” as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.
2. Dr. Wester-Broner’s failure to be engaged in the active practice of medicine and surgery for a period in excess of two years prior to her application for restoration, as alleged in Findings of Fact 3, constitutes cause for the Board to exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of her fitness to resume practice.

* * * * *

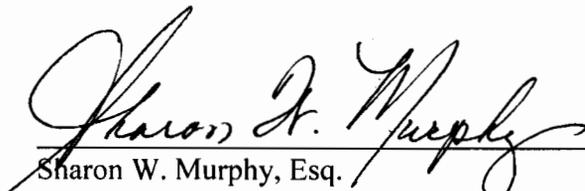
In April 2001, the Board indefinitely suspended Dr. Wester-Broner’s license based on a finding that she was “unable to practice according to acceptable and prevailing standards of care.” As a condition for reinstatement, the Board ordered that Dr. Wester-Broner must submit reports from two psychiatrists indicating that Dr. Wester-Broner did not suffer from any illness or mental condition that rendered her unable to practice according to acceptable and prevailing standards of care. Dr. Wester-Broner has not yet done so. In fact, the testimony of Dr. Borders and Dr. Sanelli provides sufficient evidence that Dr. Wester-Broner is not yet able to practice according to acceptable and prevailing standards of care.

PROPOSED ORDER

It is hereby ORDERED that:

The application of Cynthia Dianne Wester-Broner, M.D., for restoration of her certificate to practice medicine and surgery in Ohio is hereby DENIED.

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


Sharon W. Murphy, Esq.
Hearing Examiner



State Medical Board of Ohio

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

EXCERPT FROM THE DRAFT MINUTES OF JUNE 14, 2006

REPORTS AND RECOMMENDATIONS

Dr. Robbins announced that the Board would now consider the findings and orders appearing on the Board's agenda. He noted that the cases of Mitchell Edward Simons, M.D., and Frank Murray Strasek, D.P.M., which were scheduled for this meeting, would be considered at a later time due to the unavailability of their attorneys to accompany them to the meeting.

Dr. Robbins 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: Gerald Brian Applegate, M.D.; Janice E. Green Douglas, M.D.; Khalid Mahmoud Shirif, M.D.; and Cynthia Dianne Wester-Broner, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Madia	- aye
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

Dr. Robbins 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. Varyani	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye

Dr. Madia - aye
Dr. Steinbergh - aye
Dr. Robbins - aye

Dr. Robbins 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. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

Dr. Robbins 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. Talmage left the meeting during the previous discussion.

.....

CYNTHIA DIANNE WESTER-BRONER, M.D.

.....

DR. KUMAR MOVED TO APPROVE AND CONFIRM MS. MURPHY'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF CYNTHIA DIANNE WESTER-BRONER, 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. Varyani - aye
Dr. Kumar - aye
Mr. Browning - aye
Dr. Davidson - abstain
Dr. Madia - aye

EXCERPT FROM THE DRAFT MINUTES OF JUNE 14, 2006
IN THE MATTER OF CYNTHIA DIANNE WESTER-BRONER, M.D.

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.med.ohio.gov

October 12, 2005

Cynthia Dianne Wester-Broner, M.D.
aka Cynthia W. Broner, M.D.
2315-A Berwick Blvd.
Columbus, OH 43209

Dear Doctor Wester-Broner:

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 reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about April 11, 2001, the Board approved and confirmed Findings, Order and Journal Entry [2001 FOJE], based on your violation of Section 4731.22(B)(19), Ohio Revised Code. The Board ordered that your certificate to practice medicine and surgery shall be suspended for an indefinite period of time, and that it would not consider reinstatement of your certificate to practice medicine and surgery unless and until certain conditions were met, including that you "shall submit two written reports indicating that, no more than three months prior to submitting [your] completed application for reinstatement, [you have] been psychiatrically evaluated, at which time [your] ability to practice medicine was assessed and [you were] found capable of practicing medicine according to acceptable and prevailing standards of care." The Board further ordered that in the event that you have not been engaged in the active practice of medicine for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of your fitness to resume practice.

To date you remain subject to all terms, findings and orders of the 2001 FOJE, a copy of which is attached hereto and fully incorporated herein.

- (2) In or about April 2004, you caused to be submitted to the Board an Application for License Restoration Medicine or Osteopathic Medicine, which remains pending at this time. You have informed the Board that you have not actively practiced medicine and surgery since in or about 1998.

Mailed 10-13-05

On or about August 3, 2005, the Board received a written report from Victoria L. Sanelli, M.D., with the Center for Akron Psychiatry, in Akron, Ohio, indicating that you were evaluated on or about June 7, 2005. In her evaluation, Dr. Sanelli opined that you were not capable of practicing medicine according to acceptable and prevailing standards of care. On or about March 29, 2005, the Board received a written evaluation from Phillip L. Borders, M.D., with the Licking Memorial Health Professionals, in Newark, Ohio, indicating that he evaluated you on or about March 15, 2005. In his evaluation, Dr. Borders stated that he was unable to recommend medical licensure for you.

As alleged in paragraph (2) above, you have requested restoration of your certificate to practice medicine and surgery in Ohio and have caused to be submitted to the Board two written reports related to psychiatric evaluations conducted in pursuit of such licensure restoration request, but failed to fulfill the requisite condition, as set forth in the Board's 2001 FOJE, that requires you to submit to the Board two written reports indicating that, no more than three months prior to submitting your completed application for reinstatement, you have been psychiatrically evaluated, at which time your ability to practice medicine was assessed and you were found capable of practicing medicine according to acceptable and prevailing standards of care.

Further, your failure to be engaged in the active practice of medicine and surgery for a period in excess of two years prior to your application for restoration, as alleged in paragraph (2) above, constitutes cause for the Board to exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of your fitness to resume practice.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised 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 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 reprimand you 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

LAT/blt
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4333 4901
RETURN RECEIPT REQUESTED

Duplicate Mailing: Cynthia Dianne Wester-Broner, M.D.
aka Cynthia W. Broner, M.D.
723-C Moon Rd.
Columbus, OH 43224

CERTIFIED MAIL # 7003 0500 0002 4333 4895
RETURN RECEIPT REQUESTED



State Medical Board of Ohio

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

April 11, 2001

Cynthia W. Broner, M.D.
949 Grandon Avenue
Columbus, OH 43209

Dear Doctor Broner:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on April 11, 2001.

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 of the Ohio Revised Code.

Very truly yours,

Anand G. Garg, M.D.
Secretary

AGG: meb
Enclosures

CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5140 5468
RETURN RECEIPT REQUESTED

Cc: Douglas J. Haynes, Esq.
118 East Main Street
Columbus, OH 43215

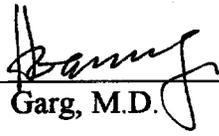
CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5140 5475
RETURN RECEIPT REQUESTED

Mailed 4-12-01

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on April 11, 2001, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Cynthia W. Broner, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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



Anand G. Garg, M.D.
Secretary

(SEAL)

APRIL 11, 2001

Date

THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CYNTHIA W. BRONER, M.D.

*

FINDINGS, ORDER AND JOURNAL ENTRY

On March 2, 2001, the State Medical Board of Ohio sent to Cynthia W. Broner, M.D., a letter via certified mail, return receipt requested, stating that the Board had reason to believe that Dr. Broner was unable to practice according to acceptable and prevailing standards of care pursuant to Section 4731.22(B)(19), Ohio Revised Code, to wit: “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.”

The letter further indicated that this determination was based upon one or more of the following reasons:

- (1) On or about June 28, 1998, Dr. Broner’s medical staff privileges were indefinitely suspended at Children’s Hospital, Columbus, Ohio, because her mental state was deemed to have contributed to her display of disruptive behavior and unprofessional conduct. Specifically, Children’s Hospital alleged that Dr. Broner “had not conducted herself in a professional and courteous way so as to reflect a respect for the rights of others and foster quality patient care.” Children’s Hospital also alleged that Dr. Broner’s “disruptive behavior further prevented Children’s Hospital from scheduling a hearing to make its action effective.”
- (2) On or about March 21, 2001, Children’s Hospital, Columbus, Ohio, extended its action of June 28, 1998 (see (1), above), and permanently suspended Dr. Broner’s medical staff privileges and membership at the Hospital. The Hospital found that Dr. Broner’s “mental state [had] contributed to unprofessional conduct and disruptive behavior which could be an impediment to critical decision making affecting patient care.”
- (3) A representative of Children’s Hospital reported to a State Medical Board of Ohio Investigator on May 11, 2000, that Dr. Broner had displayed delusional and unrealistic thinking. In particular, Dr. Broner had started to refer to another physician at the hospital as her husband, had used this physician’s name on papers to obtain a home loan, and had sent this particular physician unwelcomed e-mail messages.
- (4) In a meeting with a State Medical Board of Ohio Investigator on May 25, 2000, Dr. Broner informed that she had received psychological and psychiatric treatment in the past.

The March 2, 2001, certified letter from the Board further notified Cynthia W. Broner, M.D., that, pursuant to Section 4731.22(B)(19), Ohio Revised Code, she was ordered to submit to an examination. The examination was scheduled to take place at The Vern Riffe Center, 77 South High Street, 19th Floor, Room 1913, Columbus, Ohio, with Stephen G. Noffsinger, M.D., on March 28, 2001, at 1:30 p.m.

The March 2, 2001, certified letter from the Board further notified Dr. Broner that failure of an individual to submit to an examination as directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. Finally, the letter notified Dr. Broner that if she failed to submit to the examination, and such failure was not due to circumstances beyond her control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

Pursuant to Section 119.07, Ohio Revised Code, Dr. Broner was duly notified of the examination order and its scheduled date. The certified letter return receipt is signed by Dr. Broner and dated March 12, 2001. Dr. Broner failed to appear for the psychiatric examination that the Board scheduled for her. At no time did Dr. Broner inform the Board that her failure to appear was due to circumstances beyond her control.

WHEREFORE, pursuant to Section 4731.22(B)(19), Ohio Revised Code, the Board hereby FINDS that Cynthia W. Broner, M.D., has admitted the truth of the allegations set forth in the March 2, 2001, letter from the Board to Dr. Broner. The Board further FINDS that Dr. Broner is unable to practice according to acceptable and prevailing standards of care pursuant to Section 4731.22(B)(19), Ohio Revised Code, to wit: "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills."

WHEREFORE, it is hereby ORDERED that:

1. The certificate of Dr. Broner to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
2. The Board shall not consider reinstatement of Dr. Broner's certificate to practice medicine and surgery unless and until all of the following conditions are met:
 - a. Dr. Broner shall submit an application for reinstatement, accompanied by appropriate fees, if any;
 - b. Dr. Broner shall submit two written reports indicating that, no more than three months prior to submitting her completed application for reinstatement, Dr. Broner has been psychiatrically evaluated, at which time Dr. Broner's ability to practice medicine was assessed and she was found capable of practicing medicine according to acceptable and prevailing standards of care. The evaluations shall be conducted by psychiatrists approved in advance by the Board. The evaluations shall be at the expense of Dr. Broner. Prior to the evaluations, Dr. Broner shall

provide the evaluators with a copy of this Order and any other information which the Board deems may be appropriate to the evaluator. Dr. Broner shall also sign and give to the Board, prior to the evaluations, patient record release forms for any treatment she has received from psychological or psychiatric treatment providers in the last five years. Dr. Broner further authorizes release of the evaluators' reports to the Board and shall ensure that the Board is provided with a copy of each report. The reports shall describe the basis for the evaluators' determinations and shall include a detailed recommended plan of any care, counseling, and/or treatment that may be required for Dr. Broner. The reports shall also include any conditions, restrictions, or limitations that should be imposed on Dr. Broner's license;

- c. Dr. Broner shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, by any and all parties that provide treatment or evaluation for Dr. Broner' psychiatric illness or related conditions, or for purposes of complying with this Order whether such treatment or evaluation occurred before or after the effective date of this Order. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Broner shall provide the Board written consent permitting any treatment provider from whom she obtains psychiatric treatment to notify the Board in the event she fails to agree to or comply with his psychiatric treatment plan;
- d. Dr. Broner shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board for a minimum period, to be determined by the Board, or, if the Board and Dr. Broner are unable to agree on the terms of a written consent agreement, then Dr. Broner shall abide by any terms, conditions, and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code;

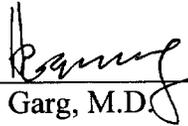
Further, upon reinstatement, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code;

- 3. In the event that Dr. Broner has not been engaged in the active practice of medicine for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Broner's fitness to resume practice;
- 4. Within thirty (30) days of the effective date of this Order, Dr. Broner shall provide a copy of this Order to all employers or entities with which she is under contract to provide physician services or is receiving training, and the Chief of Staff at each hospital where she has privileges or appointments. Further, within thirty (30) days of the effective date of this Order, Dr. Broner 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 she currently holds or applies for any professional license or reinstatement of any professional license. Doctor Broner shall provide this Board with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

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

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 11TH day of APRIL, 2001, and the original thereof shall be kept with said Journal.



Anand G. Garg, M.D.
Secretary

(SEAL)

APRIL 11, 2001

Date