



# State Medical Board of Ohio

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August 14, 2002

Norman A. Floro, M.D.  
863 Princeton Circle  
Amherst, OH 44001

Dear Doctor Floro:

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 August 14, 2002, 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 must be taken to the Franklin County Court of Common Pleas.

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

THE STATE MEDICAL BOARD OF OHIO

*Anand G. Garg, M.D.*  
Anand G. Garg, M.D. /TAD  
Secretary

AGG:jam  
Enclosures

CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5146 3604  
RETURN RECEIPT REQUESTED

Cc: Barbara Aquilla Butler, Esq.  
CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5146 3611  
RETURN RECEIPT REQUESTED

*mailed 9/4/02*

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 August 14, 2002, 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 Norman A. Floro, 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.  
Anand G. Garg, M.D. /TAG  
Secretary

(SEAL)

August 14, 2002

Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF

\*

\*

NORMAN A. FLORO, M.D.

\*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on August 14, 2002.

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:

1. **REPRIMAND:** Norman A. Floro, M.D., is REPRIMANDED.
2. **FINE:** Dr. Floro shall pay a FINE of \$5,000.00 to the State Medical Board of Ohio.
3. **SUSPENSION OF CERTIFICATE/STAY:** The certificate of Dr. Floro to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite term. Such suspension shall be STAYED, provided that, within thirty days of the effective date of this Order, Dr. Floro shall provide documentation acceptable to the Board of his satisfactory completion of 112 hours of Continuing Medical Education [CME] credits, at least 45 hours of which shall be in Category I, for the July 1, 1998, through October 1, 2000, CME acquisition period. It shall be the responsibility of Dr. Floro to work with appropriate Board staff to ascertain what will be considered as satisfactory documentation and to obtain same.

Failure by Dr. Floro to provide such documentation within the specified time period shall result in the automatic removal of the stay and imposition of the indefinite

suspension of his certificate until such time as he complies with the following conditions:

- A. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Floro's certificate to practice until all of the following minimum requirements are met:
- 1) Dr. Floro shall submit an application for reinstatement or restoration, accompanied by appropriate fees.
  - 2) Dr. Floro shall provide documentation acceptable to the Board indicating that he has paid the fine set forth in Paragraph 2, above.
  - 3) Dr. Floro shall provide documentation acceptable to the Board of his satisfactory completion of 112 hours of Continuing Medical Education [CME] credits, at least 45 hours of which shall be in Category I, for the July 1, 1998, through October 1, 2000, CME acquisition period. It shall be the responsibility of Dr. Floro to work with appropriate Board staff to ascertain what will be considered as satisfactory documentation and to obtain same.
  - 4) Dr. Floro shall supply documentation acceptable to the Board of satisfactory completion of 100 hours of approved CME, at least forty hours of which shall be in Category I, for each CME acquisition period, if any, during which his certificate remains suspended.
  - 5) In the event that Dr. Floro has not been engaged in the active practice of medicine for a period of more than two years prior to his application for reinstatement, Dr. Floro shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess his clinical competency.
4. **DOCUMENTATION OF CME:** Dr. Floro shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for the current CME acquisition period, and for two additional CME acquisition periods thereafter. This documentation shall be due in the Board's offices within thirty days of the conclusion of each CME acquisition period, unless otherwise determined by the Board.
5. **VIOLATION OF ORDER:** If Dr. Floro violates this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

**EFFECTIVE DATE OF ORDER:** This Order shall become effective immediately upon mailing of notification of approval by the Board.

(SEAL)

Anand G. Garg, M.D.  
Anand G. Garg, M.D. /TAD  
Secretary

August 14, 2002  
Date

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**REPORT AND RECOMMENDATION  
IN THE MATTER OF NORMAN A. FLORO, M.D.**

The Matter of Norman A. Floro, M.D., was heard by Sharon W. Murphy, Attorney Hearing Examiner for the State Medical Board of Ohio, on May 15, 2002.

**INTRODUCTION**

I. Basis for Hearing

- A. By letter dated February 13, 2002, the State Medical Board of Ohio [Board] notified Norman A. Floro, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board's action was based on allegations that: (1) Dr. Floro had falsely certified that he had taken the required Continuing Medical Education [CME] credits during a previous period of CME acquisition; and (2) Dr. Floro had failed to respond to a random audit of his CME for that period. Accordingly, the Board alleged that Dr. Floro's failure to respond to the random audit notices rebuts the presumption under Rule 4731-10-08(A), Ohio Administrative Code, that Dr. Floro completed the requisite hours of CME and/or demonstrates that Dr. Floro failed to keep detailed records of the CME he had taken.

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

Finally, the Board alleged that Dr. Floro's failure to respond to the audit notices, to obtain the requisite CME, and/or to submit documentation of the requisite CME, constitutes "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section

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4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code and Rules 4731-10-03 and 4731-10-08, Ohio Administrative Code.”

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

B. On March 15, 2002, Dr. Floro submitted a written hearing request. (State’s Exhibit 1B).

II. Appearances

A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Mark A. Michael, Assistant Attorney General.

B. On behalf of the Respondent: Barbara Aquilla Butler, Esq.

**EVIDENCE EXAMINED**

I. Testimony Heard

A. Presented by the State

Debra Lynn Jones

B. Presented by the Respondent

Norman A. Floro, M.D.

II. Exhibits Examined

A. Presented by the State:

1. State’s Exhibits 1A-1H: Procedural exhibits.
2. State’s Exhibit 2: Copy of Dr. Floro’s 2000 licensure renewal application.
3. State’s Exhibits 3 and 4: Certified copies of Continuing Medical Education audit notices sent by the Board to Dr. Floro, with certified mail receipts.
4. State’s Exhibit 5: State’s Objections to Respondent’s Exhibits, filed June 18, 2002.

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B. Presented by the Respondent

1. Respondent's Exhibit A: Copies of documents pertaining to CME attended by Dr. Floro during the July 1, 1998, through October 1, 2000, CME acquisition period.
2. Respondent's Exhibit B: Copies of documents pertaining to CME attended by Dr. Floro during the October 2, 2000, through October 1, 2002, CME acquisition period.

C. Admitted sua sponte by the Attorney Hearing Examiner

1. Board Exhibit A: Entry dated June 18, 2002.
2. Board Exhibit B: Affidavit of Debra Lynn Jones, Chief of CME, Records and Renewal for the Board.

**PROFFERED EXHIBIT**

Respondent's Exhibit C: The Respondent's June 14, 2002, Affidavit.

**PROCEDURAL MATTERS**

1. The record in this matter was held open to allow Dr. Floro to submit documentation of the Continuing Medical Education [CME] he has taken since July 1, 1998; and to allow Counsel for the State and the Board's Chief of Continuing Medical Education, Records and Renewal to review the documentation. See Hearing Transcript at 57-62. Accordingly, the hearing record closed on June 21, 2002.
2. Subsequent to hearing, Dr. Floro submitted certificates of attendance of CME from July 1, 1998, through the present. See Respondent's Exhibits A and B. Thereafter, the State filed the State's Objections to Respondent's Exhibits [Objections]. See State's Exhibit 5. In its Objections, the State noted that an affidavit of Dr. Floro which was included in the packet of documents contains information which Dr. Floro did not provide in his hearing testimony. Accordingly, the State objected to the affidavit being included in the hearing record, as the State had not had an opportunity to cross-examine Dr. Floro on the additional information. The Attorney Hearing Examiner sustained the State's objections. Nevertheless, the affidavit is proffered on behalf of Dr. Floro as Respondent's Exhibit C.

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### 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. Norman A. Floro, M.D., testified at hearing that he had received his degree in medicine from the University of Cincinnati in 1989. Thereafter, he participated in two years of a surgical residency at University Hospital, Case Western Reserve University, in Cleveland, Ohio. Subsequently, Dr. Floro completed a three-year residency program in internal medicine at what is now known as Summa Hospital in Akron, Ohio. In 1994, Dr. Floro started a practice with his father in Lorain, Ohio. (Hearing Transcript [Tr.] at 43).
2. On July 29, 2000, Dr. Floro signed an application to renew his certificate to practice medicine and surgery in Ohio for the January 2, 2001, through January 1, 2003, licensure renewal period. Above his signature line, the application provided as follows:

I certify, under penalty of loss of my right to practice in the State of Ohio, that I have completed or will have completed during the 1998-2000 registration period the requisite hours of continuing medical education certified by the Ohio State Medical Association and approved by the State Medical Board, and that information provided on this application for renewal is true and correct in every respect.

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

3. By a certified mail letter dated September 10, 2001, the Board informed Dr. Floro that he had been selected for a random audit of the CME he had taken during the previous CME acquisition period, July 1, 1998, through October 1, 2000. The letter also advised that Dr. Floro must complete a log listing his CME for that CME acquisition period. Finally, the letter advised that Dr. Floro must provide documentation showing that he had completed at least forty-five hours of Category I CME credits, and that he may list up to sixty-seven hours of Category II CME credits. (St. Ex. 3). Dr. Floro testified that his mother, Isabeleta Floro, had signed the certified mail receipt for the Board's September 10, 2001, letter. (Tr. at 16-17).

Moreover, by a certified mail letter dated November 5, 2001, the Board again requested that Dr. Floro submit the completed log with documentation of his CME credits for the July 1, 1998, through October 1, 2000, CME acquisition period. The certified mail receipt was signed "Floro." (St. Ex. 4). Dr. Floro testified that his father had signed the certified mail receipt for the Board's November 5, 2001, letter. (Tr. at 21).

4. Debra Lynn Jones testified at hearing on behalf of the State. Ms. Jones testified that she is the Chief of Continuing Medical Education [CME], Records and Renewal for the Board. (Tr. at 11).

Ms. Jones testified that Dr. Floro had been required to complete 112 total hours of CME for the July 1, 1998, through October 1, 2000, CME acquisition period. Of the 112 required hours, at least 45 hours must have been Category I CME. Moreover, Ms. Jones testified that Dr. Floro had been required to maintain documentation of the Category I CME he acquired during that period for one year following the end of that period. (Tr. at 11-17).

Ms. Jones further testified that Dr. Floro had been subject to a random audit of the CME he had acquired during the July 1, 1998, through October 1, 2000, CME acquisition period. Ms. Jones explained that when a physician is chosen for random audit of CME, the physician is sent a letter advising the physician that he or she has been chosen for audit, and explaining the procedures required for that physician to comply with the audit. (Tr. at 12, 13-14). Ms. Jones testified that, as of the date of hearing, the Board had received no response from Dr. Floro regarding the audit notices. (Tr. at 19-20).

Ms. Jones testified that Dr. Floro's current CME acquisition period started October 2, 2000, and ends October 1, 2002. (Tr. at 37).

5. At hearing, Dr. Floro testified that he does not dispute having received the audit notices. Moreover, Dr. Floro testified that he had failed to respond to the audit notices because he had been very busy at the times he received them. (Tr. at 22, 41).

Dr. Floro testified that his father, Dr. Floro's practice partner, had undergone aortic valve surgery in July 2002, followed by an emergency repair of the surgical wound on September 11, 2001. Dr. Floro testified that, at the time he received the audit notices, he had been very busy trying to keep the practice afloat in light of his father's absence. (Tr. at 32, 45).

6. Subsequent to hearing, Dr. Floro submitted certificates of the CME he has attended since July 1, 1998. (Respondent's Exhibits A and B). By Entry dated June 18, 2002, the Attorney Hearing Examiner submitted the certificates of attendance to Ms. Jones, and requested that Ms. Jones review the documents and submit an affidavit which sets forth her opinion, based on her review of the documents, to a list of specific questions. (Board Exhibit A). Thereafter, Ms. Jones submitted an affidavit providing answers to the questions posed by the Attorney Hearing Examiner. (Board Exhibit B). The questions and answers are as follows:
  - a. Is each document submitted by Dr. Floro acceptable to the Board as demonstrating that Dr. Floro has attended the designated CME activity? If not, please indicate those that are not acceptable and the reasons therefore.

No. The memorandum of April 9, 2001, from Lynn Brady, Cancer Registry, Community Health Partners, does not indicate the dates upon which Dr. Floro earned the CME credit. I am unable to determine whether the hours were earned in the period of July 1, 1998, through October 1, 2000, or whether they were earned thereafter. In addition, this memorandum does not indicate whether the hours were earned in Category I or Category II. Because this is not acceptable documentation, I have not considered it in the following answers.

- b. Based on the documentation submitted by Dr. Floro which is acceptable to the Board [hereinafter "acceptable documentation"], how many CME hours did Dr. Floro take during the July 1, 1998, through October 1, 2000, CME acquisition period?

Dr. Floro earned 33 Category I hours and 29 Category II hours for a total of 62 hours during the July 1, 1998, through October 1, 2000, CME acquisition period. A total of 112 hours (45 Category I and 67 Category II) were required during this acquisition period.

- c. Does the acceptable documentation indicate that Dr. Floro has taken the requisite amount of CME during the July 1, 1998, through October 1, 2000, CME acquisition period?

Dr. Floro has not taken the requisite number of CME hours for the stated period.

- d. If the acceptable documentation indicates that Dr. Floro has not attended the requisite amount of CME during the July 1, 1998, through October 1, 2000, CME acquisition period, how many hours is he lacking?

Dr. Floro is lacking 12 hours in Category I and 38 hours in Category II.

- e. Based on the acceptable documentation, how many CME hours has Dr. Floro taken during the October 2, 2000, through October 1, 2002, CME acquisition period?

Dr. Floro has taken a total of 28.5 hours of Category I CME during the October 2, 2000, through October 1, 2002, CME acquisition period. Dr. Floro did not submit documentation of any Category II hours.

- f. If Dr. Floro has not submitted acceptable documentation demonstrating that he has taken the requisite amount of CME during the July 1, 1998, through October 1, 2000, CME acquisition period, has Dr. Floro submitted acceptable documentation of sufficient hours taken during the October 2, 2000, through October 1, 2002, CME acquisition period to make up that deficiency?

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Dr. Floro has not submitted acceptable documentation of sufficient hours taken during the October 2, 2000, through October 1, 2002, CME acquisition period to make up the difference. Dr. Floro would need an additional 21.50 hours in Category I or Category II.

- g. How many hours of CME will Dr. Floro need to attend during the October 2, 2000, through October 1, 2002, CME acquisition period to acquire the requisite hours for the October 2, 2000, through October 1, 2002, CME acquisition period, in addition to those hours required to make up the deficit, if any, from the July 1, 1998, through October 1, 2000, CME acquisition period?

For the period of July 1, 1998, through October 1, 2000, Dr. Floro will need to attend the following:

Category I	12 hours
<u>Category II</u>	<u>38 hours</u>
Total	50 hours

If Dr. Floro applies all of the 28.5 hours that he has earned in the October 2, 2000, through October 1, 2002, CME acquisition period to the remaining deficiency, Dr. Floro will be still be deficient by a total of 21.5 CME hours for the July 1, 1998, through October 1, 2000, period.

If Dr. Floro applies all of the 28.5 hours that he has earned in the October 2, 2000, through October 1, 2002, CME acquisition period to the remaining deficiency, he will have no CME hours to apply to the October 2, 2000, through October 1, 2002, CME acquisition period. Therefore, for the period of October 2, 2000, through October 1, 2002, Dr. Floro will need to attend the following:

Category I	40 hours
<u>Category II</u>	<u>60 hours</u>
Total	100 hours

(Board Exhibits A and B).

#### FINDINGS OF FACT

1. In applying for registration of his certificate to practice medicine and surgery for the January 2, 2001, through January 1, 2003, period, Norman A. Floro, M.D., certified that he had completed or would complete the requisite hours of Continuing Medical Education [CME] as required by Section 4731.281, Ohio Revised Code, during the 1998-2000 registration period.

2. By a certified mail letter dated September 10, 2001, the Board informed Dr. Floro that he was required to complete a log listing his CME for the July 1, 1998, through October 1, 2000, CME acquisition period and to provide documentation that he had actually completed at least forty-five hours of Category I CME credits. By certified mail letter dated November 5, 2001, the Board again requested that Dr. Floro submit documentation of his CME credits for the July 1, 1998, through October 1, 2000, CME acquisition period. At the time of hearing, Dr. Floro had failed to submit any documentation of CME completed for that period.
3. Dr. Floro's failure to respond to the audit notices rebuts the presumption under Rule 4731-10-08(A), Ohio Administrative Code, that he completed the requisite hours of CME, and/or demonstrates that he failed to keep detailed records of CME taken.
4. Dr. Floro earned 33 Category I hours and 29 Category II hours for a total of 62 CME hours during the July 1, 1998, through October 1, 2000, CME acquisition period. Dr. Floro was required to obtain 112 hours of CME; of the 112 required hours, at least 45 hours must have been Category I CME. Accordingly, Dr. Floro is lacking at least 12 hours in Category I and as many as 38 hours in Category II for the July 1, 1998, through October 1, 2000, CME acquisition period.

Dr. Floro has taken a total of 28.5 hours of Category I CME during the October 2, 2000, through October 1, 2002, CME acquisition period. Dr. Floro did not submit acceptable documentation of any Category II hours for this period.

Dr. Floro may apply the 28.5 hours of Category I CME he has so far obtained during the October 2, 2000, through October 1, 2002, CME acquisition period to the deficiency from the July 1, 1998, through October 1, 2000, CME acquisition period. However, even if he applies the 28.5 hours toward the deficiency, he has not yet completed the necessary hours for the July 1, 1998, through October 1, 2000, CME acquisition period. Moreover, Dr. Floro must also complete a total of 100 hours of CME, at least 40 hours of which must be Category I, during the current CME acquisition period which ends on October 1, 2002.

#### CONCLUSIONS OF LAW

1. The conduct of Norman A. Floro, M.D., in certifying to the Board that he had completed the statutorily required CME, as set forth in Findings of Fact 1, 3, and 4, when he had not done so, constitutes "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.
2. Dr. Floro's conduct, in certifying to the Board that he had completed the statutorily required CME, as set forth in Findings of Fact 1, 3, and 4, constitutes "[m]aking a false, fraudulent,

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deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

3. Dr. Floro's failure to respond to the audit notices, to obtain the requisite CME, and/or to submit documentation of same, as alleged in Findings of Fact 1 through 4, constitutes "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code, and Rules 4731-10-03 and 4731-10-08, Ohio Administrative Code.

\* \* \* \* \*

Dr. Floro demonstrated flagrant disregard of his obligation to complete requisite CME hours, and of the Board's authority to audit his CME attendance. On July 29, 2000, Dr. Floro signed an application to renew his certificate to practice medicine and surgery in Ohio. By signing the renewal application, Dr. Floro certified that he would complete all of the required CME for the July 1, 1998, through October 1, 2000, CME acquisition period. Dr. Floro did not complete the requisite hours.

Moreover, by letters dated September 10 and November 5, 2001, the Board informed Dr. Floro that he had been selected for a random audit of the CME he had taken during the previous CME acquisition period. The letters also advised that Dr. Floro must complete a log listing his CME and provide documentation demonstrating his completion of at least 45 hours of Category I CME for that CME acquisition period. Not only did Dr. Floro fail to provide the necessary documentation, he did not respond to the Board's notices in any manner.

Finally, in addition to these aggravating factors, Dr. Floro also appeared at hearing unprepared. The hearing record was held open to allow Dr. Floro to collect and organize his CME records for presentation to the Board. Accordingly, these factors warrant a more severe penalty in this matter.

### PROPOSED ORDER

It is hereby ORDERED that:

1. **REPRIMAND:** Norman A. Floro, M.D., is REPRIMANDED.
2. **FINE:** Dr. Floro shall pay a FINE of \$5,000.00 to the State Medical Board of Ohio.

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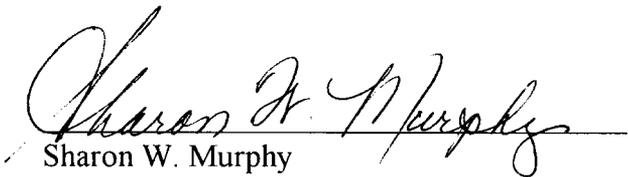
3. **SUSPENSION OF CERTIFICATE:** The certificate of Dr. Floro to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite term.
  
4. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Floro's certificate to practice until all of the following minimum requirements are met:
  - a. Dr. Floro shall submit an application for reinstatement or restoration, accompanied by appropriate fees.
  - b. Dr. Floro shall provide documentation acceptable to the Board indicating that he has paid the fine set forth in Paragraph B, above.
  - c. Dr. Floro shall provide documentation acceptable to the Board of his satisfactory completion of 112 hours of Continuing Medical Education [CME] credits, at least 45 hours of which shall be in Category I, for the July 1, 1998, through October 1, 2000, CME acquisition period. It shall be the responsibility of Dr. Floro to work with appropriate Board staff to ascertain what will be considered as satisfactory documentation and to obtain same.
  - d. Dr. Floro shall supply documentation acceptable to the Board of satisfactory completion of 100 hours of approved CME, at least forty hours of which shall be in Category I, for each CME acquisition period, if any, during which his certificate remains suspended.
  - e. In the event that Dr. Floro has not been engaged in the active practice of medicine for a period of more than two years prior to his application for reinstatement, Dr. Floro shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess his clinical competency.
  
5. **DOCUMENTATION OF CME:** Subsequent to reinstatement or restoration, Dr. Floro shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for the CME acquisition period in effect at the time of his reinstatement, and for two additional CME acquisition periods thereafter. This documentation shall be due in the Board's offices within thirty days of the conclusion of each CME acquisition period, unless otherwise determined by the Board.
  
6. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Floro shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of

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Staff at each hospital where he has privileges or appointments. Further, Dr. Floro shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

7. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Floro 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. Floro shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Floro shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.
8. **VIOLATION OF ORDER:** If Dr. Floro violates this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

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

  
Sharon W. Murphy  
Attorney Hearing Examiner



# State Medical Board of Ohio

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## EXCERPT FROM THE DRAFT MINUTES OF AUGUST 14, 2002

### REPORTS AND RECOMMENDATIONS

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

Dr. Somani 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: Lewis B. Boone, Sr., M.D.; Norman A. Floro, M.D.; Thomas L. Geraci, D.P.M.; James M. Kennen, D.O.; Michael R. Ross, M.D.; Michael R. Treister, M.D.; and Charles C. Voorhis, M.D. A roll call was taken:

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

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Agresta	- aye

Dr. Garg - aye  
Dr. Steinbergh - aye  
Dr. Somani - aye

Dr. Somani 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.

Dr. Somani 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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NORMAN A. FLORO, M.D.

Dr. Somani directed the Board's attention to the matter of Norman A. Floro, M.D. He advised that objections were filed to Hearing Examiner Murphy's Report and Recommendation and were previously distributed to Board members.

Dr. Somani continued that a request to address the Board has been timely filed on behalf of Dr. Floro. Five minutes would be allowed for that address.

Dr. Floro was accompanied by his attorney, Barbara Aquilla Butler.

Ms. Butler stated that she and Dr. Floro are here today because Dr. Floro has been accused of committing fraud for not completing the required number of C.M.E. credits for the 1998-2000 period. Ms. Butler stated that Dr. Floro maintains that he has completed the required number of C.M.E. credits, and that he certified that he had completed them because he had. He just cannot present documentation to show that he has completed them. Unfortunately, he has lost the benefit of the doubt and has to show that he has actually attended those C.M.E.s.

Ms. Butler stated that they also have an issue with the calculations that were provided in the entry. Today they have proof to show that Dr. Floro has 33 Category I and 53 Category II for the prior reporting period and 80.5 Category I and 22 Category II for the current period.

Dr. Floro thanked the Board for allowing him to speak. He advised that he joined his father eight years ago as practitioners in an internal medicine practice in Lorain, Ohio. He was audited for his C.M.E. units for the time period of July 1, 1998 through October 31, 2000. He did not respond to the certified letters sent to

him requesting documentation. Dr. Floro stated that he wishes to emphasize to the Board that there were extraordinary circumstances, unique to that time. On July 17, 2001, his father underwent aortic valve replacement at the Cleveland Clinic. On September 11, his father also developed a sternal wound infection. Things were rather tumultuous during that time period.

Dr. Floro stated that there was a hearing before Ms. Murphy, where he was to submit the documentation of his C.M.E. credits. He did bring in a partial list of his C.M.E.s. Ms. Murphy was gracious enough to keep the hearing record open for an additional 30 days for him to provide certificates of this documentation. At the time the hearing record closed he did submit documentation towards that. The totals, however, did not include 31 units of Category II that were derived from a 2000 list of Category II. Twenty-nine units of Category II for the preceding year were accepted. These were from his hospital's tumor board rounds. The primary reason was that the first letter said the actual dates for when the credits were applicable, and the second letter for the 31 units only mentioned that they were for the year 2000, but did not say what dates exactly. Since then he has tried to remedy his recordkeeping. He has obtained additional documentation from his own hospital for those same 31 units, however the total is 30 units, one unit is missing. Dr. Floro stated that he does have additional documentation of one unit in 1998.

Dr. Somani asked Dr. Floro to conclude his statement.

Dr. Floro stated that he has tried to remedy his recordkeeping to further demonstrate that he has continued to fulfill his C.M.E. requirements. At the time of closure for the 1998 to 2000 audit, he knows that he certified when he renewed his license in 2000 that he had 40 hours of Category I and 100 units total of Category II. The totals that were accepted at the date of the closure were 33 units of Category I and 29 units of Category II. Dr. Floro stated that he wishes to submit that, with the documentation, his Category II units for the audit period were 53 units. Concerning the subsequent 24-month period after October 31, although he had submitted to the journal on March 30, that was before his hearing. He didn't get the certificate until July. He does have 80.5 units of Category I, all except two of which were done prior to the hearing. He also has 22 units of Category II for the subsequent two-year period.

Dr. Floro stated that, given the extraordinary circumstances, he respectfully beseeched the Board to consider that he has certified that he did complete the C.M.E.s. Dr. Floro stated that he is definitely guilty of terrible recordkeeping, but he has tried to remedy that. He has a hard copy file of all of his C.M.E.s, as well as an electronic file of them. He added that he hopes this demonstrates that he has always done his C.M.E. in a timely manner. Dr. Floro asked that the Board not accept the recommendation of the Hearing Examiner.

Dr. Somani stated that the Board has already allowed Dr. Floro extra time. He added that the Board understands Dr. Floro's position.

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

Mr. Michael stated that he believes that Ms. Murphy put it absolutely correctly when she stated that

Dr. Floro demonstrated flagrant disregard of his obligation. In fact, he believes that that was stating it nicely. In Dr. Floro's own words at the hearing, he had priorities. None of those priorities included complying with his C.M.E. recordkeeping requirements and, more importantly, responding to the Board when it issued its audit notices. Dr. Floro received his first audit notice eleven months ago, in September 2001. He did not respond. He received his second notice in November. He did not respond. Dr. Floro then received a citation letter. The case was continued so that Dr. Floro could get his records together. When the hearing date arrived, Dr. Floro showed up with a box full of documents and wanted the Hearing Examiner to go through the documents to see if he had complied with his C.M.E. requirements.

Mr. Michael stated that Ms. Murphy was gracious. He added that he disagreed with her procedure in holding the record open, but Ms. Murphy gave Dr. Floro an additional month to compile his records and submit them to the Board. She then, on her own initiative, asked Board staff to look at those records and tell her whether or not they met the requirements. Despite all of that, Dr. Floro still came up short.

Mr. Michael stated that it is incumbent upon every member of the profession to not only do their C.M.E. and keep adequate records of that, but also to respond to the Board in a timely manner when asked to produce those records. The State is in support of Ms. Murphy's Report and Recommendation. The vehicle that she put in it for Dr. Floro to come into compliance and to make up his hours for the period of his citation letter as well as his current period is adequate to handle the situation.

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF NORMAN A. FLORO, M.D. DR. AGRESTA SECONDED THE MOTION.**

Dr. Somani stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that she absolutely supports the Proposed Order in this case. Dr. Floro ignored two audit requests from the Board. She appreciates that his father was ill, but by the second request there ought to be a little wake up call for the physician that the Board is interested in looking at his C.M.E. Doctors do have an obligation and responsibility to licensure in this state. Dr. Floro ignored that. He was very unprepared at the time of his hearing. Dr. Steinbergh stated that this Board has spent enough time on this. Dr. Floro should be reprimanded, and the fine of \$5,000 is appropriate. His certificate will be suspended until he completes his C.M.E. and demonstrates to the Board that he's in compliance.

Dr. Steinbergh noted that the paragraph 5 of the Summary of Evidence in the Report and Recommendation indicates that Dr. Floro's father underwent aortic valve surgery in July 2002. She advised that that should state July 2001.

Dr. Buchan stated that he read this case and he feels a sense of compassion for Dr. Floro. He is in total agreement with the proposed reprimand and fine. He is disappointed in the way that Dr. Floro failed to respond to the Board's audit request. However, he suggested removing the suspension from the Proposed Order. Dr. Buchan stated that a suspension wouldn't necessarily prove the Board's point. He added that

Dr. Floro now understands what he needs to do. Dr. Buchan stated that a suspension would carry tremendous ramifications in Dr. Floro's ability to practice medicine.

**DR. BUCHAN MOVED TO AMEND THE PROPOSED ORDER BY DELETING PARAGRAPHS 3, 4, 6 AND 7. DR. EGNER SECONDED THE MOTION.**

Dr. Somani stated that he would entertain further discussion in the above matter.

Dr. Steinbergh opposed the proposed amendment, stating that Dr. Floro has had enough time to prove what he needs to prove and he hasn't. It is Dr. Floro's obligation to prove that he has done the requisite number of C.M.E. hours. The Board cannot sit here and recalculate when it doesn't have proper documentation. Dr. Steinbergh stated that this is the most severe sanction the Board has imposed, but it has never seen a case like this. Practitioners need to understand that the Board is serious about this.

Dr. Bhati stated that it really worries him when someone doesn't respond to a certified letter for eleven months. Up to now the Board doesn't have documentation of the required C.M.E. from Dr. Floro, and this concerns him. He doesn't think that Dr. Floro has any respect for a regulatory agency. Dr. Bhati stated that a suspension is severe, but how else will Dr. Floro learn his lesson? He presented himself before the Hearing Examiner, totally unprepared. Dr. Bhati stated that he is appalled by Dr. Floro's actions. When a physician gets a certified letter from the regulatory agency, he or she needs to think about what he or she is doing wrong.

Dr. Egner stated that she may be wrong, but it was her understanding that when the Board automatically suspended a license in cases like this, it found that that was a far greater punishment than the Board intended. The Board then sought fining authority so that it could impose a monetary fine instead of a mandatory suspension.

Dr. Egner continued that since she's been on the Board all C.M.E. violators come here with a sad tale of why they haven't fulfilled the C.M.E. requirement. She doesn't think that anyone has ever said that they didn't do the C.M.E. and don't know why they didn't do them. They always have an excuse, always have a sad reason. Dr. Floro will never make up the credits he missed for the 1998-2000 period. He is short at least seven credits. He will have to document his C.M.E. in the future. Dr. Egner stated that, although she could accept the Hearing Examiner's Proposed Order, she will vote for Dr. Buchan's proposed amendment. She is not sure that a suspension will change Dr. Floro at all.

Dr. Agresta agreed with Dr. Bhati. Eleven months is a long time to not respond to a certified letter. It's a flagrant violation. Also, Dr. Floro's recordkeeping for C.M.E. brings up the question of what his medical records are like. Dr. Agresta stated that he thinks the Hearing Examiner's Proposed Order is appropriate in this case. He's sorry that Dr. Floro's father has had problems, but all Dr. Floro had to do was to respond to the audit letter. It wouldn't have taken him five minutes to send a letter or make a phone call.

Dr. Buchan asked that the Board look at this case on its face. This is about C.M.E., not a standard of care

issue or a quality of care issue. It is questionable whether Dr. Floro is short 10 or 15 credits. It is reasonable to reprimand Dr. Floro and to fine him the maximum. It is also reasonable that Dr. Floro be required to report or document his C.M.E. for the next several renewals. He acknowledged that Dr. Floro disrespected the Board and had a flagrant disregard for the Board's audit notices, but, again, this is about C.M.E. To take Dr. Floro out of practice today would be a disservice.

Dr. Somani suggested imposing a stayed suspension.

Dr. Buchan stated that he doesn't feel that the Board will see Dr. Floro again on a C.M.E. violation. The Board has made its case and it should fine Dr. Floro and move on.

Dr. Talmage stated that the idea of a stayed suspension sounds good. Dr. Floro would still be required to provide documentation showing he made up the missing hours. If he doesn't, the Board could rescind the stay. This puts Dr. Floro on the bubble to get his documentation in.

Ms. Lubow reminded the Board that if it stays Dr. Floro's suspension, there is no trigger mechanism to reimpose the suspension if he doesn't submit the necessary documentation. The proposed suspension gives Dr. Floro a deadline to meet.

Dr. Talmage suggested amending paragraph 4A to require that all documentation be submitted within 30 days.

Dr. Somani suggested tabling this matter until language for a proposed amendment could be prepared.

Dr. Buchan asked for a vote on his motion.

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

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- nay
	Dr. Bhati	- nay
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- nay
	Dr. Agresta	- nay
	Dr. Garg	- abstain
	Dr. Steinbergh	- nay

The motion failed.

**DR. BHATI MOVED TO TABLE THE MATTER OF NORMAN A. FLORO, M.D.**

**MR. BROWNING SECONDED THE MOTION.** A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- nay

The motion carried.

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**DR. BUCHAN MOVED TO REMOVE THE MATTER OF NORMAN A. FLORO, M.D., FROM THE TABLE. DR. BHATI SECONDED THE MOTION.** All members voted aye. The motion carried.

**DR. BUCHAN MOVED THAT THE PROPOSED ORDER IN THE MATTER OF NORMAN A. FLORO, M.D., BE AMENDED BY SUBSTITUTING THE FOLLOWING:**

It is hereby ORDERED that:

1. **REPRIMAND:** Norman A. Floro, M.D., is REPRIMANDED.
2. **FINE:** Dr. Floro shall pay a FINE of \$5,000.00 to the State Medical Board of Ohio.
3. **SUSPENSION OF CERTIFICATE/STAY:** The certificate of Dr. Floro to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite term. Such suspension shall be STAYED, provided that, within thirty days of the effective date of this Order, Dr. Floro shall provide documentation acceptable to the Board of his satisfactory completion of 112 hours of Continuing Medical Education [CME] credits, at least 45 hours of which shall be in Category I, for the July 1, 1998, through October 1, 2000, CME acquisition period. It shall be the responsibility of Dr. Floro to work with appropriate Board staff to ascertain what will be considered as satisfactory documentation and to obtain same.

Failure by Dr. Floro to provide such documentation within the specified time period

shall result in the automatic removal of the stay and imposition of the indefinite suspension of his certificate until such time as he complies with the following conditions:

- A. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Floro's certificate to practice until all of the following minimum requirements are met:
- 1) Dr. Floro shall submit an application for reinstatement or restoration, accompanied by appropriate fees.
  - 2) Dr. Floro shall provide documentation acceptable to the Board indicating that he has paid the fine set forth in Paragraph 2, above.
  - 3) Dr. Floro shall provide documentation acceptable to the Board of his satisfactory completion of 112 hours of Continuing Medical Education [CME] credits, at least 45 hours of which shall be in Category I, for the July 1, 1998, through October 1, 2000, CME acquisition period. It shall be the responsibility of Dr. Floro to work with appropriate Board staff to ascertain what will be considered as satisfactory documentation and to obtain same.
  - 4) Dr. Floro shall supply documentation acceptable to the Board of satisfactory completion of 100 hours of approved CME, at least forty hours of which shall be in Category I, for each CME acquisition period, if any, during which his certificate remains suspended.
  - 5) In the event that Dr. Floro has not been engaged in the active practice of medicine for a period of more than two years prior to his application for reinstatement, Dr. Floro shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess his clinical competency.
4. **DOCUMENTATION OF CME:** Dr. Floro shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for the current CME acquisition period, and for two additional CME acquisition periods thereafter. This documentation shall be due in the Board's offices within thirty days of the conclusion of each CME acquisition period, unless otherwise determined by the Board.
5. **VIOLATION OF ORDER:** If Dr. Floro violates this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute

whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

**EFFECTIVE DATE OF ORDER:** This Order shall become effective immediately upon mailing of notification of approval by the Board.

**DR. TALMAGE SECONDED THE MOTION.**

Dr. Talmage stated that he believes the proposed amendment accomplishes what the Board needs to accomplish.

A vote was taken on Dr. Buchan's motion:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye

The motion carried.



# State Medical Board of Ohio

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

February 13, 2002

Norman A. Floro, M.D.  
863 Princeton Circle  
Amherst, OH 44001

Dear Doctor Floro:

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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to fine, reprimand or place you on probation for one or more of the following reasons:

- (1) In applying for registration of your certificate to practice medicine and surgery for the January 2, 2001, through January 1, 2003, period, you certified that you had completed or would complete the requisite hours of Continuing Medical Education (CME) as required by Section 4731.281, Ohio Revised Code, during the 1998-2000 registration period.
- (2) By a certified mail letter dated September 10, 2001, the State Medical Board of Ohio informed you that you were required to complete a log listing your CME for the July 1, 1998 – October 1, 2000 period and to provide documentation that you had actually completed at least forty-five (45) hours of Category I CME credits. By certified mail letter dated November 5, 2001, the State Medical Board again requested that you submit documentation of your CME credits for the July 1, 1998 – October 1, 2000 period. You have failed to submit any documentation of CME completed for the above period.
- (3) Your lack of response to the notices as detailed in the above paragraph (2) rebuts the presumption under Rule 4731-10-08(A), Ohio Administrative Code, that you did complete the requisite hours of CME, and/or demonstrates that you failed to keep detailed records of CME taken.

Your acts, conduct and/or omissions in certifying to the State Medical Board that you had completed the statutorily required CME, as set forth in the above paragraph (1), when you had not, in fact, done so, constitute "fraud, misrepresentation, or deception in applying for

*Mailed 2-14-02*

or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct and/or omissions in certifying to the State Medical Board that you had completed the statutorily required CME, as set forth in the above paragraph (1), when you had not, in fact, done so, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your failure to respond to the audit notices, to obtain the requisite CME, and/or to submit documentation of same, as alleged in the above paragraphs (2) and (3) constitutes "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code and Rules 4731-10-03 and 4731-10-08, Ohio Administrative Code.

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

You are further advised that, 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 (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 fine, reprimand or place you on probation.

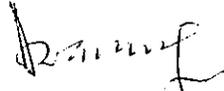
Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate 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

Norman A. Floro, M.D.  
Page 3

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,



Anand G. Garg, M.D.  
Secretary

Enclosures

CERTIFIED MAIL #7000 0600 0024 5146 5080  
RETURN RECEIPT REQUESTED