

# 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

June 9, 2010

Charles R. Buhse, M.D.  
1188 Mallard Crossing  
Scottsburg, Indiana 47170

RE: 09-CRF-154

Dear Dr. Buhse:

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 June 9, 2010.

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 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 of the Ohio Revised Code.

Very truly yours,



Lance A. Talmage, M.D.  
Secretary

LAT:jam  
Enclosures

CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3936 3114 1055  
RETURN RECEIPT REQUESTED

*Mailed 6-10-10*

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 June 9, 2010, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Charles R. Buhse, M.D., Case Number 09-CRF-154, 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.

  
\_\_\_\_\_  
Lance A. Talmage, M.D.  
Secretary

(SEAL)

June 9, 2010  
\_\_\_\_\_  
Date



2. Dr. Bushe shall supply documentation acceptable to the Board of satisfactory of completion of 100 hours of approved CME, at least 40 hours of which shall be in Category I, for each CME period, if any, during which Dr. Buhse's certificate remains suspended.
3. In the event that Dr. Buhse has not been engaged in the active practice of medicine or surgery for a period of more than two years prior to his application for reinstatement or restoration, Dr. Buhse shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess Dr. Buhse's clinical competency.

E. **DOCUMENTATION OF CME:** Subsequent to reinstatement or restoration. Dr. Buhse shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for the CME period in effect at the time of his reinstatement. These CME credits shall be in addition to the thirty-seven credits which Dr. Buhse completed during or prior to this suspension and which have been accredited to the April 2005 – April 2007 CME period. Moreover, Dr. Buhse shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for two additional CME periods thereafter. This documentation shall be due in the Board's offices within 30 days of the conclusion of each CME period, unless otherwise determined by the Board.

F. **REQUIRED REPORTING AND DOCUMENTATION OF REPORTING:**

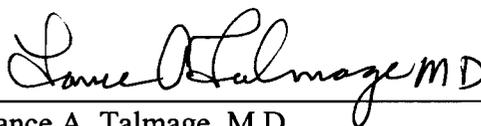
1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Buhse shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors) or is receiving training; and the Chief of Staff at each hospital or healthcare center he has privileges or appointment. Further, Dr. Buhse shall provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for privileges or appointments. This requirement shall continue until Dr. Buhse received from the Board written notification of the successful completion of his probation.
2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Buhse shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Also, Dr. Buhse shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall

continue until Dr. Buhse receives from the Board written notification of the successful completion of his probation.

3. **Required Documentation of the Reporting Required by Paragraph F:**  
Dr. Buhse shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each notification: (1) the return receipt of certified mail within 30 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 Order was hand delivered; (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of an electronic mail communication documenting the email transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

- G. **VIOLATION OF ORDER:** If Dr. Buhse violates the terms of 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 30 days after the mailing of the notification of approval by the Board.



Lance A. Talmage, M.D.  
Secretary

(SEAL)

June 9, 2010

Date

STATE MEDICAL BOARD  
OF OHIO  
2010 MAY -6 PM 2:07

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

**In the Matter of**

\*

**Case No. 09-CRF-154**

**Charles R. Buhse, M.D.**

\*

**Hearing Examiner Blue**

**Respondent.**

\*

**ERRATA**

The Hearing Examiner notes that the Proposed Findings and Proposed Order filed on May 4, 2010, includes a typographical error in a date in Proposed Finding No. 3 on page 3, to wit:

That period began April 2, 2005 and ended April 7, 2007.

The date is hereby CORRECTED to April 1, 2007, to be read as follows:

That period began April 2, 2005 and ended April 1, 2007.



Danielle R. Blue, Esq.  
Hearing Examiner

STATE MEDICAL BOARD  
OF OHIO

2010 MAY -4 PM 2: 47

BEFORE THE STATE MEDICAL BOARD OF OHIO

<b>In the Matter of</b>	*	
		<b>Case No. 09-CRF-154</b>
<b>Charles R. Buhse, M.D.</b>	*	
		<b>Hearing Examiner Blue</b>
<b>Respondent.</b>	*	

**PROPOSED FINDINGS AND PROPOSED ORDER**

Basis for the Review:

*Notice of Opportunity for Hearing:* In a notice of opportunity for hearing [Notice] dated December 9, 2009, the State Medical Board of Ohio [Board] notified Charles H. Buhse, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board stated that its proposed action was based on allegations that Dr. Buhse was not able to document that he earned the requisite forty hours of Category I continuing medical education [CME] credits during the April 2, 2005 through April 1, 2007 CME cycle. The Board further alleged that Dr. Buhse had certified in his 2007 licensure renewal application that he had completed the required CME credits for the 2005-2007 period, including at least forty hours of Category I CME credits. (Exhibit [Ex.] 1)

The Board alleged that Dr. Buhse's conduct in certifying to the Board that he had completed the required CME when, in fact, he had not, constitutes "[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 or surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certification of registration issued by the board," as set forth in Ohio Revised Code Section [R.C.] 4731.22(B)(5). (Ex. 1)

The Board also alleged that Dr. Buhse's failure 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 this board" as set forth in R.C. 4731.22(B)(20) and Ohio Administrative Code Rules 4731-10-02, 4731-10-05, and 4731-10-08. (Ex. 1)

*No Request for Hearing:* The Board mailed the Notice to Dr. Buhse on December 10, 2009, by certified mail, return receipt requested, to his most recent address of record. (Ex. 1) The U.S. Postal Service provided documentation, including a signed receipt, that the Notice was delivered to Dr. Buhse's address on December 14, 2009 (Exs. 1 and 2) The Board's Public Services Administrator declared in a sworn affidavit signed January 25, 2010, that the Board had not received a hearing request from Dr. Buhse (Ex. 3)

*Request for Proposed Findings and Proposed Order:* In a January 26, 2010, Memorandum, the Board's Public Services Administrator requested that a hearing examiner review the evidence as provided and prepare a Proposed Findings and Order ("PFPO"). (Ex. 4).

Evidence Examined:

Exhibit 1: January 25, 2010 certification and December 9, 2009 Notice of Opportunity for Hearing and December 14, 2009 certified mail receipt from the U.S. Postal Service.

Exhibit 2: January 26, 2010 Affidavit of Kay L. Rieve, Administrative Officer, describing the following exhibits:

Exhibit 2A: Sample of the online renewal application format.

Exhibit 2B: Dr. Buhse's online renewal application submitted April 2, 2007 and Dr. Buhse's renewal history.

Exhibit 2C: The Board's February 21, 2008 audit notice to Dr. Buhse.

Exhibit 2D: February 28, 2008 letter from Dr. Buhse requesting extension of time to submit log.

Exhibit 2E: March 18, 2009 letter from Board to Dr. Buhse approving an extension of time.

Exhibit 2F: May 7, 2008 letter from Dr. Buhse to the Board regarding completed log of CME and documentation of such.

Exhibit 3: January 25, 2010 Affidavit of Barbara Jacobs, Public Services Administrator, regarding the mailing of the notice of opportunity for hearing and lack of hearing request from Dr. Buhse.

Exhibit 4: January 26, 2010 Memorandum from Barbara Jacobs requesting preparation of a PFPO report and presentation of the documents listed above.

**PROPOSED FINDINGS**

1. Charles H. Buhse, M.D., was born in 1950 in Monroe, Michigan. He was initially licensed to practice medicine and surgery in Ohio in October 1998. He currently holds an inactive certificate to practice in Ohio, number 35.075292, and he has stated that his practice specialty is Obstetrics/Gynecology.

*Proposed Finding 1 is supported by the following evidence:* Exhibit 2B, 2D, and Ohio eLicense Center at <<https://license.ohio.gov/lookup/default.asp>> query on April 22, 2010.

2. The Board sends notices to physicians informing them of the requirements for renewing their certificates to practice. The notice advises that, to be eligible for renewal, a physician must have completed, during the identified CME period, a total of 100 hours of CME, including a minimum of 40 hours of Category I CME.

In addition, the CME requirements for physicians are set forth in R.C. 4731.281 and Ohio Administrative Code Chapter 4731-10.

*Proposed Finding 2 is supported by the following evidence:* Ex. 2, 2A.

3. On April 2, 2007, Dr. Buhse completed and posted an online application to renew his Ohio certificate. In order for Dr. Buhse to be eligible for renewal in 2007, he was required to have completed 100 hours of CME during the 2005 - 2007 CME period, including at least 40 hours of Category I CME. That period began April 2, 2005 and ended April 7, 2007.

*Proposed Finding 3 is supported by the following evidence:* Ex. 2.

4. In completing his renewal application, Dr. Buhse answered “yes” when asked: “Have you met the above CME requirements for your license?” By answering “yes” to that question, Dr. Buhse represented that he had earned at least 100 hours of CME during the 2005 - 2007 CME period, including 40 hours of Category I CME.

*Proposed Finding 4 is supported by the following evidence:* Ex. 2, 2B.

5. In addition, in submitting his application for renewal, Dr. Buhse averred as follows:

**I understand that submitting a false, fraudulent, or forged statement or document or omitting a material fact in obtaining licensure may be grounds for disciplinary action against my license.**

**Under penalty of law, I hereby swear or affirm that the information I have provided in the application is complete and correct, and that I have complied with all criteria for applying on line.**

*Proposed Finding 5 is supported by the following evidence:* Ex. 2B. (Emphasis in original)

6. In 2008, Dr. Buhse was randomly selected by the Board for a CME audit. On February 21, 2008, the Board sent him a certified letter, return receipt requested, requiring him to

provide documentation of the CME hours he had completed. The letter stated in relevant part:

Upon renewal of your Ohio license, you certified that during the period of April 2, 2005-April 1, 2007, you had completed the requisite hours of Continuing Medical Education (CME).

At this time, as a result of your being randomly selected for audit, it will be necessary for you to complete the enclosed log of CME, demonstrating that you have, in fact, completed at least one hundred hours of CME during the period of April 2, 2005-April 1, 2007. It will also be necessary for you to provide the Board with documentation that you have actually completed at least 40 hours of Category 1 CME as certified on your license renewal application. Certificates of attendance, hospital printouts and accredited organization printouts are acceptable documentation, copies of which must be enclosed with your log. \*\*\*

Up to 60 hours of Category II credits may be listed on the reverse side of the log, but no documentation need be provided. You must demonstrate at least 100 hours of combined Category I and II CME.

It is important you understand that under Ohio law it is your responsibility to document your CME participation, and, further, that a failure to comply with the audit requirements can result in imposition of a fine, revocation or suspension of your license to practice in Ohio. \*\*\*

Please return the above-requested material to the State Medical Board of Ohio, to the attention of Ms. Liz Gerris of the CME & Renewal Department, within three weeks of receipt of this letter. If you need to speak with Ms. Gerris, she can be reached at [contact information]. The result of your audit will be made available to you in the near future.

*Proposed Finding 6 is supported by the following evidence: Ex. 2C.*

7. On February 28, 2008, Dr. Buhse responded by letter to the Board's February 21, 2008 audit letter. Dr. Buhse indicated he would be unable to comply with the audit request because he was:

attempting to prepare mentally and from the standpoint of the running of my offices, for my coronary bypass surgery in the

morning. This will be the second time this week I will be in pre-op waiting for the surgery.

*Proposed Finding 7 is supported by the following evidence: Ex. 2D.*

8. On March 18, 2008, the Board sent another letter to Dr. Buhse approving Dr. Buhse's request for an extension for submission of his CME material. The Board requested he submit his proof of compliance by May 12, 2008 and indicated if he needed more time he may submit another extension request.

*Proposed Finding 8 is supported by the following evidence: Ex. 2E.*

9. On May 12, 2008, the Board received Dr. Buhse's completed log of CME hours and his documentation. In his CME log and attached documentation, Dr. Buhse reflected he had earned the following CME credits in Category I:

- 1 hour earned at a home study program sponsored by the American Society for Colposcopy and Cervical Pathology on June 29, 2005.
- 1 hour earned at an educational activity entitled, "Medical Practice Risk Management," sponsored by ProNational Services Corp. on September 22, 2005.
- 1 hour earned at an educational activity entitled, "Current Issues in Hypothyroidism Management," sponsored by ABCOMM, Inc. on April 27, 2006.

*Proposed Finding 9 is supported by the following evidence: Ex. 2F.*

10. In a cover letter accompanying his CME log and documentation, Dr. Buhse admitted that he lacked the adequate Category I CME credits for the said time period. He stated in relevant part:

What is obvious is the lack of adequate Category 1 credits for the time period in question. It was during this time period (2005-2007) that my OB/GYN Practice failed financially and I was absorbed by the local hospital. Files were moved about and what I believed to exist in a certain place cannot be located. This is not a random statement, and to attempt to prove my point I have included a file of Category 1 CME from the 2003-2005 license period. During that time period I accumulated 190.75 Category 1 CME. Those certificates I could locate. I am aware that the time period is not the one requested. The only other piece of information I would like to add for the Board is the following.

During the 2005 to 2007 time period I had a subscription to Audio-Digest (which would provide a total of 56 Category 1 credits a year) which I listened to on the road between my two offices but unfortunately did not send in the test forms. I also during that time period joined UpToDate to utilize at my office - only later finding how to collect CME Category 1 from the organization. And finally I had completed the Fifth Edition Prolog (ACOG) Obstetrics which would have given me 25 Category 1 credits had I remembered to mail in the completed test sheet. Not only is it too late for my requirements for you but also now for ACOG as there is a new edition. I have enclosed copies of these last items also to validate these statements. The form I signed for renewal was not a deliberate false statement, I assumed the information was retrievable.

*Proposed Finding 10 is supported by the following evidence: Ex. 2F.*

11. In a January 26, 2010, Affidavit, Kay L. Rieve, Administrative Officer, swore she reviewed the documentation and found that Dr. Buhse completed only three hours of Category I CME during the April 2, 2005 through April 1, 2007 time period. Further, she stated that Dr. Buhse had failed to provide the Board with documentation of completion of the remaining 37 hours of Category I CME credits from that same period.

*Proposed Finding 11 is supported by the following evidence: Ex. 2.*

12. The acts, conduct, and/or omissions of Dr. Buhse as set forth above in proposed findings 4, 5, 9, and 10 individually and/or collectively, 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, podiatric medicine and surgery, 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 set forth in R.C. 4731.22(B)(5).
13. Dr. Buhse’s acts, conduct, and/or omissions as set forth above in proposed findings 4, 5, 9, and 10, individually and/or collectively, establish “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 set forth in R.C. 4731.22(B)(20), Rules 4731-10-02, 4731-10-05, and 4731-10-08 of the Ohio Administrative Code.

#### **Comments on Proposed Order:**

Pursuant to R.C. 4731.281, Dr. Buhse was required to earn at least 40 hours of Category I CME during the 2005 - 2007 CME period. However, contrary to his April 2, 2007 online renewal

application in which he certified he earned the requisite hours, he earned only 3 hours according to his submitted documentation. As a result, Dr. Buhse is in violation of R.C. 4731.22(B)(5), R.C. 4731.22(B)(20), and O.A.C. Rules 4731-10-02 and 4731-10-08.

In Dr. Buhse's May 7, 2008 letter that accompanied his log and documentation, Dr. Buhse gave competing explanations for his failure to comply. He initially claimed he could not locate his files to prove his CME hours for the reporting period due to a move. However, he was able to locate the certificates that supported his three hours of CME for the 2005-2007 CME period and the certificates from prior reporting years. Of note, no weight was given to his prior compliance with the CME requirements because it was not relevant to the case at hand. Later in his letter, he suggests he performed the requisite hours but failed to take the tests from Audio-Digest, UptoDate, and ACOG that would certify that he completed the remaining 37 hours of Category I CME. This explanation is difficult to believe given the fact that the doctor knew or should have known that without the certificates, he would be unable to prove he completed the remaining hours to the Board.

### **PROPOSED ORDER**

It is hereby ORDERED that:

- A. **REPRIMAND:** Charles H. Buhse, M.D., is REPRIMANDED.
- B. **FINE:** Dr. Buhse shall pay a fine of \$5,000.00 to the State Medical Board of Ohio. This fine shall be paid no later than 30 days after the effective date of this Order or as otherwise determined by the Board.
- C. **SUSPENSION OF CERTIFICATE:** The certificate of Dr. Buhse to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
- D. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Buhse's certificate to practice until all of the following minimum requirements are met:
  1. Dr. Buhse shall provide documentation acceptable to the Board of satisfactory completion of 37 hours of CME, at least 37 of which shall be in Category I, to be applied retroactively to the CME requirement for the period of April 2005 – April 2007. It will be Dr. Buhse's responsibility to work with appropriate Board staff to ascertain what will be considered satisfactory documentation and to obtain the same.
  2. Dr. Bushe shall supply documentation acceptable to the Board of satisfactory of completion of 100 hours of approved CME, at least 40 hours of which shall be in

Category I, for each CME period, if any, during which Dr. Buhse's certificate remains suspended.

3. In the event that Dr. Buhse has not been engaged in the active practice of medicine or surgery for a period of more than two years prior to his application for reinstatement or restoration, Dr. Buhse shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess Dr. Buhse's clinical competency.
- E. **DOCUMENTATION OF CME:** Subsequent to reinstatement or restoration, Dr. Buhse shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for the CME period in effect at the time of his reinstatement. These CME credits shall be in addition to the thirty-seven credits which Dr. Buhse completed during or prior to his suspension and which have been accredited to the April 2005 – April 2007 CME period. Moreover, Dr. Buhse shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for two additional CME periods thereafter. This documentation shall be due in the Board's offices within 30 days of the conclusion of each CME period, unless otherwise determined by the Board.
- F. **REQUIRED REPORTING AND DOCUMENTATION OF REPORTING:**
1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Buhse shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors) or is receiving training; and the Chief of Staff at each hospital or healthcare center he has privileges or appointments. Further, Dr. Buhse shall provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Buhse received from the Board written notification of the successful completion of his probation.
  2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Buhse shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Also, Dr. Buhse shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which he applies for any professional license of reinstatement/restoration of any

professional license. This requirement shall continue until Dr. Buhse receives from the Board written notification of the successful completion of his probation.

3. **Required Documentation of the Reporting Required by Paragraph F:** Dr. Buhse shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each notification: (1) the return receipt of certified mail within 30 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 Order was hand delivered; (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of an electronic mail communication documenting the email transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

- G. **VIOLATION OF ORDER:** If Dr. Buhse violates the terms of 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 30 days after the mailing of the notification of approval by the Board.

  
Danielle R. Blue, Esq.  
Hearing Examiner



# 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

December 9, 2009

Case number: 09-CRF- 154

Charles R. Buhse, M.D.  
1188 Mallard Crossing  
Scottsburg, Indiana 47170

Dear Doctor Buhse:

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) In your renewal application due on or about July 1, 2007, for the biennial registration of your certificate to practice medicine and surgery for the July 2, 2007 – July 1, 2009 period, you certified that during the April 2, 2005 – April 1, 2007 Continuing Medical Education [CME] cycle, you had completed or would complete the requisite hours of CME as required by Section 4731.281, Ohio Revised Code.
- (2) By certified mail letter dated February 21, 2008, the Board informed you that you were required to complete and submit a log demonstrating that you completed at least one hundred hours of CME during the April 2, 2005 – April 1, 2007 CME cycle, and to provide documentation that, in fact, you had completed at least forty hours of Category I CME credits. Despite certifying on the aforementioned renewal application that you had completed all CME requirements, you submitted documentation of only three hours of Category I CME credits.

In your February 28, 2008, response to the Board, you stated you were unable to comply with the Board's request for documentation that you completed the required CME because you were due to undergo coronary bypass surgery. By letter dated March 18, 2008, the Board notified you that an extension was granted, and that the documents were due no later than May 12, 2008. In your May 7, 2008, response to the Board, you stated you did not have proof of the required forty hours of Category I CME credits.

*Mailed 12-10-09*

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, 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, podiatric medicine and surgery, 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.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “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.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “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: Rule 4731-10-02, Ohio Administrative Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “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: Rule 4731-10-05, Ohio Administrative Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “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: Rule 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 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,

A handwritten signature in black ink that reads "Lance A. Talmage MD". The signature is written in a cursive style.

Lance A. Talmage, M.D.  
Secretary

LAT/LLS/flb  
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3070 8969  
RETURN RECEIPT REQUESTED