

STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
65 SOUTH FRONT STREET
SUITE 510
COLUMBUS, OHIO 43266-0315

April 15, 1988

Michael D. Cerny, D.O.
39 South Roanoke
Austintown, Ohio 44515

Dear Doctor Cerny:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Mark E. Kouns, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on April 13 and 14, 1988, including Motions approving the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

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

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

THE STATE MEDICAL BOARD OF OHIO



Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL NO. P 158 073 975
RETURN RECEIPT REQUESTED

cc: Michael K. Gire, Esq.

CERTIFIED MAIL NO. P 158 073 976
RETURN RECEIPT REQUESTED

Mailed 4/20/88

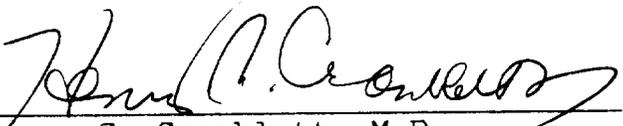
STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
65 SOUTH FRONT STREET
SUITE 510
COLUMBUS, OHIO 43266-0315

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Mark E. Kouns, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on April 13 and 14, 1988, including Motions approving the Findings of Fact and Conclusions of Mark E. Kouns, Esq., 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 Michael D. Cerny, D.O., 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.

(SEAL)


Henry G. Cramblett, M.D.
Secretary

April 15, 1988

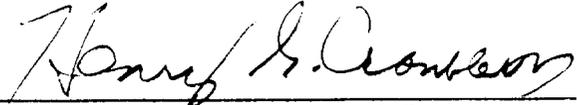
Date

- B. For one year Dr. Cerny shall submit to random urine screenings for drugs on a weekly basis or as otherwise directed by the Board. Dr. Cerny shall ensure that all screening reports are forwarded directly to the Board on a monthly basis. Dr. Cerny shall submit the required urine specimens to a supervising physician to be approved by the Board. The supervising physician shall ensure that the urine specimens are selected for screening on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over all specimens is maintained. In the event that the designate supervising physician becomes unavailable or unwilling to serve, Dr. Cerny must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable.
- C. The Board retains the right to require Dr. Cerny to submit blood or urine specimens for analysis upon request and without prior notice.
- D. Dr. Cerny shall appear in person for interviews before the Board or its designated representative at three-month intervals or as otherwise requested by the Board.
- E. Dr. Cerny shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all of the conditions of this Order.
- F. In the event that Dr. Cerny should leave Ohio for three consecutive months, or reside or practice outside the State of Ohio, Dr. Cerny must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.
- G. Dr. Cerny shall perform one hundred (100) hours of community service, acceptable to the Board, in the form of community education or free clinic work within the first twelve months of this probationary period. Dr. Cerny shall submit proposals to the Board in furtherance of this condition within the first 30 days of his probationary period.

Page 3
Michael D. Cerny, D.O.

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

(SEAL)


Henry G. Cramblett, M.D.
Secretary

April 15, 1988
Date

REPORT AND RECOMMENDATION
IN THE MATTER OF MICHAEL D. CERNY, D.O.

'88 MAR 11 P2:58

The Matter of Michael D. Cerny, D.O., (hereinafter referred to as the Respondent), came on for hearing before me, Mark E. Kouns, Attorney Hearing Examiner for the State Medical Board of Ohio (hereinafter referred to as the Board), on the 10th day of February, 1988, pursuant to the provisions of Chapters 4731. and 119., of the Ohio Revised Code.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Mode of Conduct

During the course of the hearing, the rules of evidence were relaxed so as to afford both the State and the Respondent wide latitude in the offering of evidence as well as inquiring of the witnesses through both direct and cross-examination.

II. Basis for Hearing

By letter of September 9, 1987, (State's Exhibit #1), the Board notified Respondent that it intended to determine whether or not to limit, revoke, suspend, refuse to register or reinstate Respondent's certificate to practice medicine and surgery or to reprimand or place Respondent on probation based upon allegations that he had engaged in fraud, misrepresentation or deception in applying for a license or certificate; that he had published a false, fraudulent, deceptive or misleading statement; and that his acts, conduct and omissions in applying for a license established a failure to furnish satisfactory proof of good moral character, contrary to and in violation of Sections 4731.22(A), 4731.22(B)(5) and 4731.08, of the Ohio Revised Code, respectively.

III. Appearance of Counsel

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General of Ohio, by Cheryl Nester, Esq., Assistant Attorney General.
- B. On behalf of the Respondent: Messrs. Bricker & Eckler and Michael K. Gire, Esq.

STATE
OF
OHIO
MEDICAL BOARD

'88 MAR 11 P2:58

IV. Testimony Heard

A. Presented by the State

1. Sandra Gilbert, Administrative Assistant,
State Medical Board of Ohio

B. Presented by the Respondent

1. Michael D. Cerny, D.O.
2. Herman N. Menapace, President, Greene
Memorial Hospital, Xenia, Ohio

V. Exhibits Offered, Admitted and Examined

A. Presented by the State

1. State's Exhibit #1: A copy of a letter dated September 9, 1987, from the Board to Respondent, advising Respondent of the allegations against him; of the Board's intention to consider the same; and notifying the Respondent of his opportunity to request a hearing in the matter.
2. State's Exhibit #2: A copy of a letter from Respondent received in the offices of the Board on September 16, 1987, in which Respondent requested a hearing in the matter.
3. State's Exhibit #3: A copy of a letter from the Board's Case Control Officer to the Respondent dated September 17, 1987, advising the Respondent that: his formal hearing had been initially set for Friday, September 25, 1987, at 1:30 P.M., in the offices of the Board, that said hearing had been postponed pursuant to Section 119.09 of the Ohio Revised Code; and that Respondent would be advised of the rescheduled date.
4. State's Exhibit #4: A copy of a letter dated October 14, 1987, from the undersigned Attorney Hearing Examiner to Michael K. Gire, Esq., Counsel for Respondent, advising Mr. Gire that Respondent's hearing had been scheduled for Wednesday, February 10, 1988, at 10:00 A.M. in the offices of the Board.

5. State's Exhibit #5: (Consisting of several pages) A copy of Respondent's Application for a certificate to practice osteopathic medicine and surgery with supporting documentation attached thereto.
6. State's Exhibit #6: A copy of a letter received in the offices of the Board on August 11, 1987, from Respondent to Sandra Gilbert, Administrative Assistant.

B. Presented by the Respondent

1. Respondent's Exhibit #1: A letter dated November 12, 1987, from Larry J. Plundo, D.O., and Gary P. Plundo, D.O., to Respondent's counsel, Michael K. Gire, Esq., in which said physicians set forth their professional and personal opinions of the Respondent.

FINDINGS OF FACT

1. The State Medical Board of Ohio has jurisdiction over both the Respondent and the subject matter in the instant proceeding.

(These facts are established by reference to State's Exhibit #1 through #6, inclusive).
2. On or about June 8, 1987, the Respondent filed with the Board an application for a certificate to practice osteopathic medicine and surgery.

(This fact is established by reference to State's Exhibit #5).
3. Question #12 set forth on that portion of the application captioned "Additional Information" asked of the Respondent: "Are you now or have you ever been addicted to or excessively use alcohol, narcotics, barbiturates, or other drugs affecting the central nervous system, or any drugs which may cause physical or psychological dependence?" In response to Question #12, Respondent answered NO. At the time Respondent gave said answer to the Board he knew the same was not the truth.

(These facts are established by reference to State's Exhibits #5 and #6, as well as the testimony of Sandra Gilbert at page 9, line 12 through page 10, line 10, inclusive, of the transcript).

4. Near the end of his third year of residency at a hospital in Michigan, Respondent began to occasionally use amphetamines to aid him in getting through his long work hours. After completing his residency Respondent accepted a position as Assistant Professor of Obstetrics and Gynecology at the University of Osteopathic and Health Sciences in Des Moines, Iowa. Respondent continued to use amphetamines after moving to Iowa.

(These facts are established by the testimony of Respondent at page 12, line 3 through page 14, line 2, inclusive, of the transcript).

5. During the period from the end of July through the beginning of August, 1984, the Respondent completed an in-patient drug rehabilitation program in Tucson, Arizona. One aspect of the Respondent's particular case vis-a-vis the rehabilitation program was "recognizing the abuse problem". Respondent also completed a successful outpatient program in Des Moines, Iowa.

(These facts are established by reference to the testimony of the Respondent at page 14, line 23 through page 16, line 15, and at page 23, line 9 through line 18, inclusive, of the transcript).

6. Respondent's reluctance to tell the truth to the Board was based upon his having heard of instances where the revelation of a prior addiction problem resulted in the subsequent revocation of a license.

(This fact is established by reference to State's Exhibit #6 particularly the last sentence of the first full paragraph therein).

7. Since completing his rehabilitation program in 1984, the Respondent has been both drug and substance free.

(This fact is established by the testimony of Respondent at page 8, line 4 through line 6, and at page 15, line 22 through page 16, line 15, inclusive, of the transcript).

CONCLUSIONS OF LAW

1. In providing the Board with an admittedly false answer to Question #12 on his application for licensure, the Respondent engaged in misrepresentation and deception in applying for a license, contrary to and in violation of Section 4731.22(A).

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MAR 11 P2:58

Although Respondent testified at hearing that it was not his conscious intention to mislead the Board (Transcript at page 18, line 22 through line 24, inclusive), other evidence in the record supports a contrary conclusion. In the last sentence of the first paragraph of his letter of August 7, 1987, (State's Exhibit #6), the Respondent stated that his reluctance to tell the truth was attributable to his knowledge regarding instances where subsequent revelation of a prior addiction problem had resulted in the revocation of a license. Such a statement supports an inference that in making a false statement to the Board it was the Respondent's intent to obtain and thereafter preserve his license by concealing the truth from the Board.

The Board's primary responsibility is to ensure that the public is protected by regulating the licensure of individuals to practice medicine and surgery in this state. In order to make an informed decision as to who should be licensed it is imperative that the Board have accurate information regarding each applicant.

The action of the Respondent in making a false statement to the Board represents a unilateral decision on his part to substitute his judgment for that of the Board's on the question of who is qualified to be licensed. Further, such conduct by Respondent was an attempt to place his own self-interest ahead of the best interest of the general public.

According to his own testimony at hearing Respondent has remained both drug and substance free since completing his rehabilitation program, which time span would include the period during which he filed his instant application with the Board. Respondent's prior impairment should not serve to mitigate his conduct in making a false statement to the Board.

2. Respondent violated Section 4731.22(B)(5) by publishing a false, fraudulent, deceptive and misleading statement.

Respondent's answer to Question #12 was a statement which included a misrepresentation of a fact which was likely to mislead and deceive because of his failure to disclose. In his letter of August 7, 1987, Respondent admitted that he initially lied to the Board.

3. **The Respondent has failed to furnish satisfactory proof that he is possessed of good moral character as required by Section 4731.08, Ohio Revised Code.**

The actions of Respondent in providing the Board with false information on his application are inconsistent with those qualities found in an individual of good moral character.

Although Respondent was viewed by Drs. Larry J. and Gary P. Plundo as having a good professional and personal reputation (see Respondent's Exhibit #1), there is no mention in their letter as to whether their opinion is based in part on an awareness of Respondent's deceptive answer to the Board.

Further, the testimony of Respondent's own witness, Mr. Menapace, calls into question the Respondent's approach in concealing his prior impairment from the Board. (Transcript at page 28, line 8 through line 23, inclusive).

PROPOSED ORDER

It is hereby ORDERED that:

1. The application of Michael D. Cerny, D.O., for a license to practice osteopathic medicine and surgery filed with the State Medical Board of Ohio on or about June 8, 1987, be DENIED.
2. Michael D. Cerny, D.O., shall not at any time in the future be eligible to either apply for or obtain any license issued by the State Medical Board of Ohio pursuant to either Chapters 4730. or 4731. of the Ohio Revised Code.

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



Mark E. Kouns
Attorney Hearing Examiner

OFFICE OF
UNIVERSITY
MEDICAL BOARD

88 MAR 11 P2:58

EXCERPT FROM THE MINUTES OF APRIL 13 & 14, 1988

REPORTS AND RECOMMENDATIONS

Ms. Nester left the meeting at this time.

Dr. Stephens advised that the Findings and Orders appearing on this day's agenda are those in the matters of Dr. Doyle E. Campbell, Mr. Jack E. Markel, Dr. Philip Emmert, Dr. Michael D. Cerny, Dr. Stanley D. Wissman, Dr. Thomas J. Markoski, Dr. A. Michael Broennle, Dr. Judith A. Wolfe, Dr. Henry E. Montoya, Dr. Minoos Pedroem, Dr. David H. Procter, Dr. Maruthi Vadapalli, Dr. Gregory A. George, Dr. Mark P. Namey, Dr. Edwin N. Cook, and Dr. Alfred L. Stanford.

Dr. Cramblett left the meeting at this time.

Dr. Stephens asked if 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 Doyle E. Campbell, M.D., Jack E. Markel, D.N., Philip Emmert, D.P.M., Michael D. Cerny, D.O., Stanley D. Wissman, M.D., Thomas J. Markoski, D.O., A. Michael Broennle, M.D., Judith A. Wolfe, M.D., Henry E. Montoya, M.D., Minoos Pedroem, M.D., David H. Procter, M.D., Maruthi Vadapalli, M.D., Gregory A. George, M.D., Mark P. Namey, D.O., Edwin N. Cook, D.O., and Alfred L. Stanford, M.D. A roll call was taken:

ROLL CALL:	Dr. Kaplansky	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Jost	- aye
	Dr. Stephens	- aye

Dr. Cramblett returned to the meeting at this time.

.....
REPORT AND RECOMMENDATION IN THE MATTER OF MICHAEL D. CERNY, D.O.

Ms. Nester returned to the meeting at this time.

Dr. Stephens stated that if there are no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board Members present.

Dr. Stephens advised that Dr. Cerny's attorney Mr. Michael Gire, has submitted a motion to orally address the Board. Three affirmative votes are necessary to grant this motion.

MR. ALBERT MOVED TO GRANT MR. GIRE'S MOTION TO ORALLY ADDRESS THE BOARD. DR. ROTHMAN SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Kaplansky	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Jost	- aye

The motion carried.

Dr. Stephens informed Mr. Gire that there is no court reporter present, but instead the Board's minutes serve as the Board's official record of the meeting. Mr. Gire stated that he does not have any objection to the absence of a court reporter.

Mr. Gire stated that he is present on behalf of Dr. Cerny to voice objection to the proposed order. Mr. Gire stated that the Order is unreasonably harsh under the circumstances involved. He referred to the objections he submitted to the hearing examiner's report and recommendation, and stated that he would be happy to respond to any questions the Board may have. He stated that he is willing to work with the Board to fashion a remedy that would not destroy a man's career.

Dr. Rothman asked if Ms. Nester would respond to Mr. Gire's statements.

Ms. Nester stated that Mr. Gire has not really said anything to which she could respond, and asked if Dr. Rothman had specific questions to ask of Mr. Gire.

Dr. Rothman stated that he recalled that the objections addressed three issues.

Ms. Nester stated that this case involved an applicant for licensure responding in the negative on question #12 of the application, which asks if the applicant or had ever been addicted to or excessively used alcohol, narcotics, barbiturates, or other drugs affecting the central nervous system, or any drugs which may cause physical or psychological dependence? In fact, evidence was presented at the hearing that Dr. Cerny did have a problem with drugs, and had been through two different treatment programs, one of which was an in-house program. In a letter from Dr. Cerny after the application process had been completed, Dr. Cerny advised that he answered "no" to that question on the application because of the fact that he had heard of other cases where answering "yes" had precluded licensure. The hearing examiner found that violations alleged in the letter of proposed denial were committed. Ms. Nester stated that the objections Mr. Gire has filed on behalf of Dr. Cerny are directed more to the scope of discipline ordered than to the factual findings.

Mr. Gire stated that in around 1982 Dr. Cerny was a professor in Iowa and did use amphetamines when working long hours. He did seek treatment and has been clean since that time. The arrangement Dr. Cerny understood he had with the Osteopathic College of Medicine in Iowa was that this treatment would not be reported on his record. He therefore responded, "no" to question #12 of the Board's licensure application.

Mr. Gire stated that the proposed order that Dr. Cerny be forever barred from licensure in Ohio will destroy his career forever. He stated that under the circumstances, he believes the Board has other options available to it. He noted that he has submitted, with the objections, another proposed order for the Board's consideration. This order includes a reprimand, probation, community service, drug monitoring, and the monitoring of his practice. Mr. Gire stated that Dr. Cerny is asking that the Board not destroy his career because he made an error in judgment.

Mr. Jost asked if Dr. Cerny was involved in any program at this time, such as A.A. or N.A., or does he feel his problems are in the past. Mr. Gire stated that he doesn't know the answer to this question, but added that Dr. Cerny is clean at this time. He added that Dr. Cerny would be willing to submit to any type of monitoring the Board would feel appropriate. The hospital where he will work has offered to do anything the Board felt was necessary to monitor Dr. Cerny.

In response to questions asked by Mr. Albert, Mr. Gire stated that Dr. Cerny has not had any problems with alcohol. His only substance of abuse was amphetamines, and they were not used for recreational purposes but because he was working long hours when he had a teaching position at the college. Dr. Cerny now recognizes his problems and has been clean since 1984.

Dr. Stephens asked if there were any questions concerning the proposed findings of fact in the above matter. There were none.

Dr. Stephens asked if there were any questions concerning the proposed conclusions in the above matter. There were none.

MS. ROLFES MOVED TO APPROVE AND CONFIRM MR. KOUNS' FINDINGS OF FACT AND CONCLUSIONS IN THE MATTER OF MICHAEL D. CERNY, D.O. MR. JOST SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Kaplansky	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Jost	- aye

The motion carried.

Dr. Stephens asked if there were any questions concerning the proposed order in the above matter.

Mr. Jost stated that he agrees that the proposed order is too harsh. He stated that the Board is considering other cases involving false responses to questions on the application, and this particular order is harsher than the others. Mr. Jost suggested that the Board might impose an order which would make Dr. Cerny ineligible for licensure for a year from the date of the filing of his previous application, and which would impose conditions on Dr. Cerny's license.

MR. JOST MOVED TO TABLE THE REPORT AND RECOMMENDATION IN THE MATTER OF MICHAEL D. CERNY, D.O. UNTIL THE FOLLOWING DAY. DR. ROTHMAN SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Kaplansky	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Jost	- aye

The motion carried.

Mr. Gire asked if his presence would be required the following day for further discussion. Dr. Stephens stated that his presence would not be necessary, and that Mr. Gire must make the decision of whether or not he will attend.

Ms. Nester left the meeting at this time.

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DR. ROTHMAN MOVED TO REMOVE THE MATTER OF MICHAEL D. CERNY, D.O. FROM THE TABLE. MR. JOST SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- aye
	Dr. Kaplansky	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Ms. Rolfes	- aye
	Mr. Jost	- aye
	Dr. O'Day	- aye

The motion carried.

MR. JOST MOVED TO APPROVE AND CONFIRM MR. KOUNS' PROPOSED ORDER IN THE MATTER OF MICHAEL D. CERNY, D.O. DR. ROTHMAN SECONDED THE MOTION.

MR. JOST MOVED THAT THE PROPOSED ORDER IN THE MATTER OF MICHAEL D. CERNY, D.O., BE AMENDED TO READ AS FOLLOWS:

It is hereby ORDERED that:

1. The application of Michael D. Cerny, D.O., for a license to practice osteopathic medicine and surgery filed with the State Medical Board of Ohio on or about June 8, 1987, be DENIED.

2. Michael D. Cerny, D.O., shall not be eligible to apply for licensure in Ohio for a period of one (1) year, such time to be calculated from June 8, 1987, the date of filing of the application at issue in this matter.
3. In the event that Dr. Cerny elects to reapply for licensure in Ohio subsequent to the date specified in paragraph 2, above, and is found eligible, any license issued to Dr. Cerny by the State Medical Board of Ohio shall be bound by the following probationary conditions for a period of three years:
 - A. Dr. Cerny shall abstain completely from the personal use of drugs, except those available for purchase over the counter, or those prescribed, administered, or dispensed to Dr. Cerny by another so authorized by law who has full knowledge of Dr. Cerny's history substance abuse.
 - B. For one year Dr. Cerny shall submit to random urine screenings for drugs on a weekly basis or as otherwise directed by the Board. Dr. Cerny shall ensure that all screening reports are forwarded directly to the Board on a monthly basis. Dr. Cerny shall submit the required urine specimens to a supervising physician to be approved by the Board. The supervising physician shall ensure that the urine specimens are selected for screening on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over all specimens is maintained. In the event that the designated supervising physician becomes unavailable or unwilling to serve, Dr. Cerny must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable.
 - C. The Board retains the right to require Dr. Cerny to submit blood or urine specimens for analysis upon request and without prior notice.
 - D. Dr. Cerny shall appear in person for interviews before the Board or its designated representative at three-month intervals or as otherwise requested by the Board.
 - E. Dr. Cerny shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all of the conditions of this Order.
 - F. In the event that Dr. Cerny should leave Ohio for three consecutive months, or reside or practice outside the State of Ohio, Dr. Cerny must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.

- G. Dr. Cerny shall perform one hundred (100) hours of community service, acceptable to the Board, in the form of community education or free clinic work within the first twelve months of this probationary period. Dr. Cerny shall submit proposals to the Board in furtherance of this condition within the first 30 days of his probationary period.

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

MS. ROLFES SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Kaplansky	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Ms. Rolfes	- aye
	Mr. Jost	- aye
	Dr. O'Day	- aye

The motion carried.

MR. JOST MOVED TO APPROVE AND CONFIRM MR. KOUNS' PROPOSED ORDER IN THE MATTER OF MICHAEL D. CERNY, D.O., AS AMENDED. DR. ROTHMAN SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Kaplansky	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Ms. Rolfes	- aye
	Mr. Jost	- aye
	Dr. O'Day	- aye

The motion carried.

Mr. Albert noted that one of the requirements imposed by this Order is that the Doctor do community service. He stated that the Board hasn't required this in the past, and he thinks it is a good idea.

Dr. O'Day stated that there is some question as to whether or not the Board has a right to require community service. In this case, Dr. Cerny made the suggestion.

Dr. Rothman agreed with Mr. Albert that it is a good idea.

Dr. Rothman left the meeting at this time.

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43266-0315

September 9, 1987

Michael David Cerny, D.O.
3139 McClellan Drive
Greensburg, PA 15601

Dear Doctor Cerny:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation for one or more of the following reasons:

1. On or about June 8, 1987 you filed an application for licensure in Ohio.

On your application for a certificate to practice osteopathic medicine and surgery in Ohio, you responded "No" to Question 12 of the Additional Information Section, which asks "Are you now or have you ever been addicted to or excessively used alcohol, narcotics, barbiturates, or other drugs affecting the central nervous system, or any drugs which may cause physical or psychological dependence".

In a telephone conversation on or about July 28, 1987 with Sandra Gilbert, Administrative Assistant/Operations, of the State Medical Board, you were confronted concerning a possible alcohol-drug abuse problem while at the University of Osteopathic Medicine and Health Sciences, Des Moines, Iowa. At that time you continued to deny the existence of such a problem.

In fact, by letter received on or about August 11, 1987, in the Board offices, a copy of which is attached hereto and incorporated herewith, you admitted that you had lied on the application.

Your acts, conduct and omissions as alleged in paragraph (1) above constitute a violation of Section 4731.22(A), Ohio Revised Code, to wit: committing fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board.

Further, such acts also constitute "publishing a false, fraudulent, deceptive or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

September 9, 1987

Michael D. Cerney, D.O.

Page 2

Further, your acts, conduct and omissions as listed in paragraph (1) above establish a failure to furnish satisfactory proof of good moral character as required by Section 4731.08, 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, that request must be made within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, 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 made within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

No other issues of eligibility shall be deemed to have been decided by the issuance of this letter, and the Board reserves the right to propose denial of any future licensure application based on any and all then existing evidence concerning failure to meet the requirements of Chapter 4731., Ohio Revised Code.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

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