



June 12, 2019

Case number: 19-CRF- 0083

Robert James Brauer, D.O.
17828 Lost Trail
Chagrin Falls, Ohio 44023

Dear Doctor Brauer:

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 grant or register or renew or reinstate your license or certificate to practice osteopathic medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about September 18, 2018, in the Cuyahoga County Court of Common Pleas, you were convicted to two counts of Prohibitions, Restriction on Obtaining Further Information, in violation of Section 4729.86(A)(1), Ohio Revised Code, misdemeanors of the third degree. You were sentenced to sixty days of jail on each count, suspended; five years of probation; 100 hours of community service; and a fine of \$500.00. The facts underlying your conviction arose from your improper access of OARRS data on a person who was not your patient, and your subsequent sharing of that information with the person's estranged significant other.
- (2) On or about August 21, 2018, you were drug tested as part of a pre-sentence investigation by the Cuyahoga County Court of Common Pleas. You attempted to falsify that drug test by substituting urine that was not your own. During a deposition by board staff on or about March 5, 2019, you admitted that you had smoked marijuana the night before the drug test and that you taped a plastic flask containing purchased urine to the inside of your thigh.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice," as that clause is used in Section 4731.22(B)(11), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Tampering with Evidence, Section 2921.12(A)(2), Ohio Revised Code.

Furthermore, for any violations that occurred on or after September 29, 2015, the board may impose a civil penalty in an amount that shall not exceed twenty thousand dollars, pursuant to Section 4731.225, Ohio Revised Code. The civil penalty may be in addition to any other action the board may take under section 4731.22, Ohio Revised Code.

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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 grant or register or renew or reinstate your certificate or license to practice osteopathic 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 or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or 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 license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Kim G. Rothermel, M.D.
Secretary

KGR/ADM/jmb
Enclosures

CERTIFIED MAIL #91 7199 9991 7038 7178 0544
RETURN RECEIPT REQUESTED

cc: Elizabeth Y. Collis,
Dinsmore & Shohl LLP
191 West Nationwide Blvd.
Suite 300
Columbus, OH 43215

CERTIFIED MAIL #91 7199 9991 7038 7178 0551
RETURN RECEIPT REQUESTED