

OCT 07 2013

BEFORE THE
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

OSTEOPATHIC MEDICAL BOARD
 OF CALIFORNIA

In the Matter of the Accusation Against:

ERNEST L. GALBREATH, D.O.

OSTEOPATHIC PHYSICIAN'S AND SURGEON'S CERTIFICATE NO.
20A5996

RESPONDENT.

Case No. 16-2012-3384

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

On June 6, 2013, an employee of the Osteopathic Medical Board of California (Board) sent by certified mail a copy of Accusation No. 16-2011-3284, Statement to Respondent, Notice of Defense in blank, copies of the relevant sections of the California Administrative Procedure Act as required by sections 11503 and 11505 of the Government Code, and a request for discovery, to Ernest L. Galbreath, D.O. (Respondent) at his address of record with the Board, 7525 121st Street W, Andalusia, IL 61232. The green certified mail receipt was signed and returned. (Accusation package, proof of service, return receipt, Exhibit Package, Exhibit 1¹.)

There was no response to the Accusation. On August 12, 2013, an employee of the Attorney General's Office sent by certified and regular mail addressed to Respondent at the address of record set forth above a courtesy Notice of Default, advising Respondent of the service Accusation, and providing him with an opportunity to request relief from default. The green certified mail receipt was signed and returned. (Exhibit Package, Exhibit 2, Notice of Default, proof of service, return receipt.)

Respondent has not responded to service of the Accusation or the Notice of Default. He has not filed a Notice of Defense. As a result, Respondent has waived his right to a hearing on

¹ The evidence in support of this Default Decision and Order is submitted herewith as the "Exhibit Package."

1 the merits to contest the allegations contained in the Accusation.

2 **FINDINGS OF FACT**

3 I.

4 Angelina M. Burton is the Executive Director of the Board. The charges and allegations
5 in the Accusation were at all times brought and made solely in the official capacity of the Board's
6 Executive Director.

7 II.

8 On August 2, 1991, Osteopathic Physician's and Surgeon's License No. 20A5996 was
9 issued by the Board to Ernest L. Galbreath, D.O.. The certificate will expire on April 30, 2014.
10 (Exhibit Package, Exhibit 3, license certification.)

11 III.

12 On June 6, 2013, Respondent was served with an Accusation, alleging causes for
13 discipline against Respondent. The Accusation and accompanying documents were duly served
14 on Respondent. A Courtesy Notice of Default was thereafter served on Respondent. Respondent
15 failed to file a Notice of Defense.

16 IV.

17 The allegations of the Accusation are true as follows:

18 On August 18, 2011, the Iowa Board of Medicine issued a Consent Settlement Agreement
19 regarding Respondent's license to practice medicine in Iowa. The Consent Settlement Agreement
20 notes that Respondent is a psychiatrist who formerly practiced in Iowa. On November 3, 2010
21 Respondent completed a comprehensive clinical competency evaluation at the Center for
22 Personalized Education for Physicians (CPEP.) CPEP identified concerns in the areas of medical
23 knowledge, clinical judgment and reasoning, and documentation, and recommended a supervised
24 educational program including an educational preceptor, continuing medical education, self-study
25 and a record keeping course. Respondent also admitted that he had performed and billed for
26 hundreds of trigger point injections that were not medically necessary. The Iowa Board further
27 noted that it received information indicating that Respondent may suffer from a physical,
28

1 neurological or mental condition which may impair his ability to practice medicine with
2 reasonable skill and safety. Under the terms of the Consent Settlement Agreement, Respondent
3 was warned for performing and billing for trigger point injections that may not have been
4 medically necessary and permanently prohibited from performing trigger point injections; his
5 Iowa license was indefinitely suspended, and he may not seek reinstatement until he has
6 completed a comprehensive neuropsychological evaluation and been determined to be safe to
7 return to the practice of medicine. A copy of the Consent Settlement Agreement issued by the
8 Iowa Board of Medicine is attached to the Accusation, Exhibit Package, Exhibit 1.

9 On September 5, 2012, the Illinois Department of Financial and Professional Regulation
10 issued a Consent Order regarding Respondent's license to practice medicine in Illinois. The
11 Illinois Consent Order was based on the Consent Settlement Agreement issued by the Iowa Board
12 of Medicine as set forth in paragraph 5 above. Respondent's Illinois license was Indefinitely
13 Suspended. He cannot seek restoration of his Illinois license until his Iowa license has been
14 restored and he has undergone a neuropsychological evaluation. A copy of the Consent Order
15 issued by the Illinois Department of Financial and Professional Regulation is attached to the
16 Accusation, Exhibit Package, Exhibit 1.

17 V.

18 The Board finds that pursuant to Business and Professions Code section 125.3 , the costs
19 of investigation and enforcement of the case prayed for in the Accusation total \$1,572.00, based
20 on the Certification of Costs, Exhibit Package, Exhibit 4.

21 **DETERMINATION OF ISSUES**

22 Pursuant to the foregoing Findings of Fact, Respondent's conduct and the actions of the
23 Iowa Board of Medicine and the Illinois Department of Financial and Professional Regulation
24 constitute cause for discipline within the meaning of Business and Professions Code sections
25 2305 and 141(a).

26 The Board finds that pursuant to Business and Professions Code section 125.3 , the costs
27 of investigation and enforcement total \$1,572.00

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DISCIPLINARY ORDER

Osteopathic Physician's and Surgeon's License No. 20A5996 issued to Ernest L. Galbreath, D.O., ~~MD~~ is hereby REVOKED. Respondent is ordered to pay \$1,572.00 in costs, payable to the Osteopathic Medical Board of California.

Respondent shall not be deprived of making a request for relief from default as set forth in Government Code section 11520(c) for good cause shown. However, such showing must be made in writing by way of a motion to vacate the default decision and directed to the Osteopathic Medical Board of California at 1300 National Drive, Suite 150, Sacramento, CA 95834 within seven (7) days of the service of this Decision.

This Decision will become effective November 7, 2013

It is so ordered on October 7, 2013.

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 

1
2 **BEFORE THE**
3 **OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA**
4 **DEPARTMENT OF CONSUMER AFFAIRS**
5 **STATE OF CALIFORNIA**

6 In the Matter of the Accusation Against:

Case No. 16-2011-3284

7 **ERNEST L. GALBREATH, D.O.**

**EXHIBITS IN SUPPORT OF
DEFAULT DECISION
AND ORDER**

8 OSTEOPATHIC PHYSICIAN'S AND SURGEON'S CERTIFICATE NO.
9 20A5996

[Gov. Code, §11520]

10 **RESPONDENT.**

11
12 EXHIBIT 1 Accusation Package
13 EXHIBIT 2 Courtesy Notice of Default
14 EXHIBIT 3 License Certification
15 EXHIBIT 4 Certification of Costs
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 JANE ZACK SIMON
Deputy Attorney General
4 State Bar No. 116564
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102
Telephone: (415) 703-5544
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7 *Osteopathic Medical Board of California*

FILED

JUN 06 2013

**OSTEOPATHIC MEDICAL BOARD
OF CALIFORNIA**

8
9 **BEFORE THE**
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 16-2012-3384

12 **ERNEST L. GALBREATH, D.O.**

13 7525 121st Street W.
14 Andalusia, IL 61232

A C C U S A T I O N

15 Osteopathic Physician's and Surgeon's
16 License No. 20A5996

17 Respondent.

18 The Complainant alleges:

19 **PARTIES**

20 1. Angelina M. Burton (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Osteopathic Medical Board of California, Department of
22 Consumer Affairs.

23 2. On August 2, 1991, the Osteopathic Medical Board of California issued Osteopathic
24 Physician's and Surgeon's License Number 20A5996 to Ernest L. Galbreath, D.O. (Respondent).
25 The Osteopathic Physician's and Surgeon's license was in full force and effect at all times relevant
26 to the charges brought herein and will expire on April 30, 2014, unless renewed.

27 ///

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JURISDICTION

3. This Accusation is brought before the Osteopathic Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

A. Section 3600 of the Code states that the law governing licentiates of the Osteopathic Medical Board of California is found in the Osteopathic Act and in Chapter 5 of Division 2, relating to medicine.

B. Section 3600-2 of the Code states:

"The Osteopathic Medical Board of California shall enforce those portions of the Medical Practice Act identified as Article 12 (commencing with Section 2220), of Chapter 5 of Division 2 of the Business and Professions Code, as now existing or hereafter amended, as to persons who hold certificates subject to the jurisdiction of the Osteopathic Medical Board of California, however, persons who elect to practice using the term or suffix "M.D." as provided in Section 2275 of the Business and Professions Code, as now existing or hereafter amended, shall not be subject to this section, and the Medical Board of California shall enforce the provisions of the article as to persons who make the election. After making the election, each person so electing shall apply for renewal of his or her certificate to the Medical Board of California, and the Medical Board of California shall issue renewal certificates in the same manner as other renewal certificates are issued by it."

C. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

D. Section 141 of the Code provides:

"(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

1 4. Section 125.3 of the Code states, in pertinent part, that the Board may request the
2 administrative law judge to direct a licentiate found to have committed a violation or violations of
3 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
4 enforcement of the case.

5 **CAUSE FOR DISCIPLINE**

6 (Discipline, Restriction, or Limitation Imposed by Another State)

7 5. On August 18, 2011, the Iowa Board of Medicine issued a Consent Settlement
8 Agreement regarding Respondent's license to practice medicine in Iowa. The Consent Settlement
9 Agreement notes that Respondent is a psychiatrist who formerly practiced in Iowa. On
10 November 3, 2010 Respondent completed a comprehensive clinical competency evaluation at the
11 Center for Personalized Education for Physicians (CPEP.) CPEP identified concerns in the areas
12 of medical knowledge, clinical judgment and reasoning, and documentation, and recommended a
13 supervised educational program including an educational preceptor, continuing medical
14 education, self-study and a record keeping course. Respondent also admitted that he had
15 performed and billed for hundreds of trigger point injections that were not medically necessary.
16 The Iowa Board further noted that it received information indicating that Respondent may suffer
17 from a physical, neurological or mental condition which may impair his ability to practice
18 medicine with reasonable skill and safety. Under the terms of the Consent Settlement Agreement,
19 Respondent was warned for performing and billing for trigger point injections that may not have
20 been medically necessary and permanently prohibited from performing trigger point injections;
21 his Iowa license was indefinitely suspended, and he may not seek reinstatement until he has
22 completed a comprehensive neuropsychological evaluation and been determined to be safe to
23 return to the practice of medicine. A copy of the Consent Settlement Agreement issued by the
24 Iowa Board of Medicine is attached as Exhibit A.

25 6. On September 5, 2012, the Illinois Department of Financial and Professional
26 Regulation issued a Consent Order regarding Respondent's license to practice medicine in
27 Illinois. The Illinois Consent Order was based on the Consent Settlement Agreement issued by
28 the Iowa Board of Medicine as set forth in paragraph 5 above. Respondent's Illinois license was

1 Indefinitely Suspended. He cannot seek restoration of his Illinois license until his Iowa license
2 has been restored and he has undergone a neuropsychological evaluation. A copy of the Consent
3 Order issued by the Illinois Department of Financial and Professional Regulation is attached as
4 Exhibit B.

5 7. Respondent's conduct and the actions of the Iowa Board of Medicine and the Illinois
6 Department of Financial and Professional Regulation as set forth in paragraph 4, above, constitute
7 unprofessional conduct within the meaning of section 2305 and conduct subject to discipline
8 within the meaning of section 141(a).

9 **PRAYER**

10 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Osteopathic Medical Board of California issue a decision:

12 1. Revoking or suspending Osteopathic Physician's and Surgeon's License Number
13 20A5996, issued to Ernest L. Galbreath, D.O.

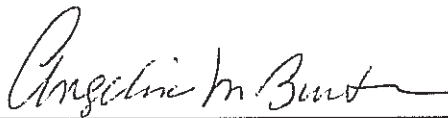
14 2. Revoking, suspending or denying approval of Ernest L. Galbreath, D.O.'s authority to
15 supervise physician assistants, pursuant to section 3527 of the Code;

16 3. Ordering Ernest L. Galbreath, D.O. to pay the Osteopathic Medical Board of
17 California the reasonable costs of the investigation and enforcement of this case, pursuant to
18 Business and Professions Code section 125.3;

19 4. Ordering Ernest L. Galbreath, D.O. to pay the Osteopathic Medical Board of
20 California the reasonable costs of probation monitoring, if he is placed on probation; and

21 5. Taking such other and further action as deemed necessary and proper.

22
23 DATED: June 6, 2013



24 ANGELINA M. BURTON
25 Executive Director
26 Osteopathic Medical Board of California
27 Department of Consumer Affairs
28 State of California
Complainant

SA2012107664
31687832.doc

EXHIBIT A

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF STATEMENT OF CHARGES AGAINST
ERNEST L. GALBREATH, D.O., RESPONDENT

FILE No. 03-07-778

CONSENT SETTLEMENT AGREEMENT

COMES NOW, the Iowa Board of Medicine (Board), and Ernest L. Galbreath, D.O., (Respondent), and on August 18, 2011, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this Consent Settlement Agreement to resolve this matter.

1. Respondent was issued Iowa medical license no. 02694 on September 27, 1991.
2. Respondent's Iowa medical license is active and will next expire on April 1, 2012.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.

STATEMENT OF THE MATTERS ASSERTED

4. Respondent is an Iowa-licensed psychiatrist who formerly practiced medicine in Iowa.
5. On November 3, 2010, Respondent completed a comprehensive clinical

competency evaluation at the Center for Personalized Education for Physicians (CPEP) a nationally-recognized assessment program. CPEP identified concerns in the following areas: medical knowledge, clinical judgment and reasoning, and documentation. CPEP recommended that Respondent complete a supervised educational program including an educational preceptor, continuing medical education, self-study and a recordkeeping course.

6. On February 11, 2011, the Board filed formal disciplinary charges against Respondent alleging that he performed hundreds of trigger point injections that were not medically necessary, and billed the Iowa Medicaid Program for those injections.

7. The Board subsequently received information which indicates that Respondent may suffer from a physical, neurological or mental condition which may impair his ability to practice medicine with reasonable skill and safety.

SETTLEMENT AGREEMENT

8. **WARNING:** Respondent is hereby **WARNED** for performing hundreds of trigger point injections that may not have been medically necessary and billing the Iowa Medicaid Program for those injections in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that such practice in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

9. **TRIGGER POINT INJECTIONS:** Respondent hereby consents to being and is hereby permanently prohibited from performing trigger point injections.

10. **INDEFINITE SUSPENSION:** Upon the Board's approval of this Order, Respondent consents to his Iowa medical license being hereby indefinitely suspended.

Respondent shall not engage in any aspect of the practice of medicine under his Iowa medical license during the period of suspension.

Comprehensive Neuropsychological Testing: Prior to seeking to reinstatement, Respondent shall complete comprehensive neuropsychological testing under the direction of a Board-approved neuropsychologist and submit a written assessment report which indicates that Respondent is safe to return to the practice of medicine. Respondent is responsible for all costs associated with the neuropsychological testing.

11. **REINSTATEMENT:** The Board will consider reinstatement of Respondent's Iowa medical license upon an application for reinstatement pursuant to Iowa Code chapters 17A, 147, 148 and 272C and 653 IAC 26. Respondent's license shall not be reinstated except upon a showing that the basis for suspension of the Respondent's medical license no longer exists, and that is in the public interest for the license to be reinstated, and upon any other terms and conditions the Board may choose to impose, including a monitoring program, any recommendations by CPEP, any medical treatment the Board may prescribe, a practice monitoring program, Respondent shall file any quarterly reports and make any Board appearances the Board may require, as well as paying any monitoring fees. Prior to seeking reinstatement, Respondent shall demonstrate to the Board that all of his delinquent medical records have been brought up-to-date and that he is safe to practice medicine.

12. Respondent voluntarily submits this Order to the Board for consideration.

13. This Order constitutes the resolution of a contested case proceeding.

14. In the event Respondent violates or fails to comply with any of the terms or conditions of this Order, the Board may initiate action to suspend or revoke Respondent's

Iowa medical licensure or to impose other license discipline as authorized in Iowa Code chapters 148 and 272 and 653 IAC 25.

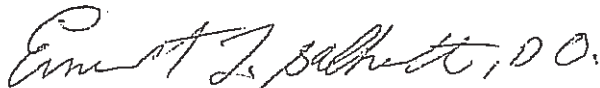
15. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

16. By entering into this Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges and waives any objections to the terms of this Settlement Agreement.

17. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

18. This Order is subject to approval by the Board. If the Board fails to approve this Settlement Agreement and Final Order, it shall be of no force or effect to either party.

19. The Board's approval of this Order shall constitute a Final Order of the Board.

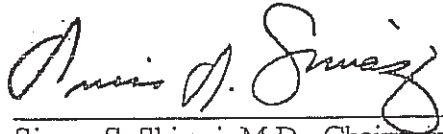


Ernest L. Galbreath, D.O., Respondent

Subscribed and sworn to before me on July 27, 2011.

Notary Public, State of Iowa.

This Order is approved by the Board on August 18, 2011.



Siros S. Shirazi, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

EXHIBIT B

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND)
PROFESSIONAL REGULATION)
of the State of Illinois Complainant)
v.) No. 201100751
ERNEST L. GALBREATH, Respondent)
License No. 036110792)

CONSENT ORDER

The Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois by David K. Igasaki, one of its attorneys, and Ernest L. Galbreath, Respondent, hereby agree to the following:

STIPULATIONS

Ernest L. Galbreath is licensed as a Physician and Surgeon in the State of Illinois, holding license No 036110792. At all times material to the matter set forth in this Consent Order, the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois had jurisdiction over the subject matter and parties herein.

Information has come to the attention of the Department that, on August 18, 2011, the Iowa Board of Medicine took disciplinary action against the Respondent in that it Warned him and Indefinitely Suspended his license pending comprehensive neuropsychological testing.

The allegation as set forth herein, if proven to be true, could constitute grounds

for suspending or revoking Respondent's license as a Physician and Surgeon, on the authority of Illinois Compiled Statutes (2006), Chapter 225, paragraph(s) 60/22 (A) (12).

As a result of the foregoing allegation, Department attorneys David K. Igasaki and Susan J. Link conferred with Tariq H. Butt, M.D., the Chair of the Medical Disciplinary Board, on May 16, 2012 and proposed the following terms to the Respondent.

Respondent admits the allegations in this Consent Order.

Respondent has been advised of the right to have the pending allegation reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any Order resulting from a hearing. Respondent knowingly waives each of these rights, as well as any right to administrative review of this Consent Order.

Respondent and the Department have agreed, in order to resolve this matter, that Ernest L. Galbreath be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable in the circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through David K. Igasaki, its attorney, and Ernest L. Galbreath, agree:

- A. Ernest L. Galbreath's license as a Physician and Surgeon, License No.

036110792, is Indefinitely Suspended.

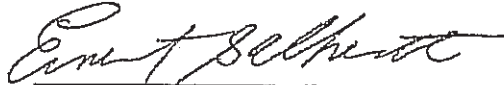
- B. Prior to seeking Restoration of his Illinois Physician and Surgeon license, Respondent shall:
1. Obtain written documentation that his Iowa license has been restored; and
 2. Undergo a neuropsychological evaluation, at Respondent's expense, by an evaluator pre-approved by the Chief Medical Coordinator of the Illinois Department of Financial and Professional Regulation and shall ensure that the results of such an evaluation are made available for use by the Medical Disciplinary Board and Department staff involved in any restoration request.
- C. Respondent shall submit proof of the Iowa restoration and a copy of the evaluation report to the Department prior to or concurrent with the filing of any Petition for Restoration.
- D. This Consent Order shall become effective ten days after the approval by the Director of the Division.

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION
of the State of Illinois


7-11-2012
DATE

David K. Igasaki
David K. Igasaki
Attorney for the Department

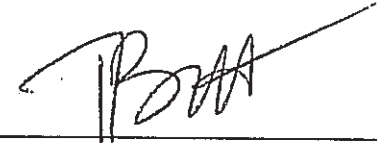
05-24-12
DATE


Ernest L. Galbreath
Respondent

5/22/12
DATE


Michael E. Motto
Attorney for the Respondent

8.1-12
DATE



Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 5th DAY OF September, 2012.

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION
of the State of Illinois

Division of Professional Regulation


JAY STEWART
DIRECTOR

REF: License No.036110792
Case No. 201100751

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 JANE ZACK SIMON
Deputy Attorney General
4 State Bar No. 116564
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5544
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
OSTEOPATHIC MEDICAL BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 16-2012-3384

11
12 **ERNEST L. GALBREATH, D.O.**

STATEMENT TO RESPONDENT

[Gov. Code §§ 11504, 11505(b)]

13
14
15 Respondent.

16 **TO RESPONDENT:**

17 Enclosed is a copy of the Accusation that has been filed with the Osteopathic Medical
18 Board, and which is hereby served on you.

19 Unless a written request for a hearing signed by you or on your behalf is delivered or
20 mailed to the Osteopathic Medical Board and the Deputy Attorney General whose name, address
21 and telephone number appear on the Accusation within fifteen (15) days after a copy of the
22 Accusation was personally served on you or mailed to you, you will be deemed to have waived
23 your right to a hearing in this matter and the Board may proceed upon the Accusation without a
24 hearing and may take action thereon as provided by law.

25 The request for hearing may be made by delivering or mailing one of the enclosed forms
26 entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in
27 section 11506 of the Government Code, to both the Deputy Attorney General and the Osteopathic
28

1 Medical Board of California. The Deputy Attorney General's name, address and telephone
2 number appear on the front page of the Accusation. The notice to the Osteopathic Medical Board
3 should be directed to the Osteopathic Medical Board of California, 1300 National Drive, Suite
4 150, Sacramento, CA 95834-1991.

5 You may, but need not, be represented by counsel at any or all stages of these proceedings.
6 The enclosed Notice of Defense, if signed and filed with the Board and the Deputy Attorney
7 General, shall be deemed a specific denial of all parts of the Accusation, but you will not be
8 permitted to raise any objection to the form of the Accusation unless you file a further Notice of
9 Defense as provided in section 11506 of the Government Code within fifteen (15) days after
10 service of the Accusation on you.

11 If you file any Notice of Defense within the time permitted, a hearing will be held on the
12 charges made in the Accusation. The hearing may be postponed for good cause. If you have
13 good cause, you are obliged to notify the Office of Administrative Hearings, 1515 Clay Street,
14 Suite 206, Oakland, CA 94612, within ten (10) working days after you discover the good cause.
15 Failure to notify the Office of Administrative Hearings within ten (10) days will deprive you of a
16 postponement.

17 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are enclosed.

18 If you desire the names and addresses of witnesses or an opportunity to inspect and copy
19 the items mentioned in section 11507.6 of the Government Code in the possession, custody or
20 control of the Board you may send a Request for Discovery to the Deputy Attorney General
21 whose name, address and telephone number appear on the first page of the Accusation.

22 NOTICE REGARDING STIPULATED SETTLEMENTS

23 Very often, administrative cases are settled by the parties through discussion and
24 negotiations. It may be possible to avoid the time, expense and uncertainties involved in an
25 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated
26 settlement is a binding written agreement between you and the government regarding the matters
27 charged and the discipline to be imposed. Such a stipulation would have to be approved by the
28 Osteopathic Medical Board but, once approved, it would be incorporated into a final order.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Any stipulation must be consistent with the Board's established disciplinary guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the Board's Disciplinary Guidelines will be provided to you on your written request to the state agency bringing this action.

If you are interested in pursuing this alternative to a formal administrative hearing, or if you have any questions, you or your attorney should contact Deputy Attorney General Jane Zack Simon at the earliest opportunity.

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 JANE ZACK SIMON
Deputy Attorney General
4 State Bar No. 116564
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5544
6 Facsimile: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov
7 *Attorneys for Complainant*
Osteopathic Medical Board of California
8

9 **BEFORE THE**
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 16-2012-3384

12 **ERNEST L. GALBREATH, D.O.**

REQUEST FOR DISCOVERY

13 7525 121st Street W.
14 Andalusia, IL 61232

15 Osteopathic Physician's and Surgeon's
16 License No. 20A5996

17 Respondent.

18 TO RESPONDENT:

19 Under section 11507.6 of the Government Code of the State of California, parties to an
20 administrative hearing, including the Complainant, are entitled to certain information concerning
21 the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code
22 concerning such rights is included among the papers served.

23 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE
24 HEREBY REQUESTED TO:

- 25 1. Provide the names and addresses of witnesses to the extent known to the Respondent,
26 including, but not limited to, those intended to be called to testify at the hearing, and
27 2. Provide an opportunity for the Complainant to inspect and make a copy of any of the
28 following in the possession or custody or under control of the Respondent:

1 a. A statement of a person, other than the Respondent, named in the
2 initial administrative pleading, or in any additional pleading, when it is claimed that
3 the act or omission of the Respondent as to this person is the basis for the
4 administrative proceeding;

5 b. A statement pertaining to the subject matter of the proceeding made
6 by any party to another party or persons;

7 c. Statements of witnesses then proposed to be called by the
8 Respondent and of other persons having personal knowledge of the acts, omissions or
9 events which are the basis for the proceeding, not included in (a) or (b) above;

10 d. All writings, including but not limited to reports of mental, physical
11 and blood examinations and things which the Respondent now proposes to offer in
12 evidence;

13 e. Any other writing or thing which is relevant and which would be
14 admissible in evidence, including but not limited to, any patient or hospital records
15 pertaining to the persons named in the pleading;

16 f. Investigative reports made by or on behalf of the Respondent
17 pertaining to the subject matter of the proceeding, to the extent that these reports (1)
18 contain the names and addresses of witnesses or of persons having personal
19 knowledge of the acts, omissions or events which are the basis for the proceeding, or
20 (2) reflect matters perceived by the investigator in the course of his or her
21 investigation, or (3) contain or include by attachment any statement or writing
22 described in (a) to (e), inclusive, or summary thereof.

23
24 For the purpose of this Request for Discovery, "statements" include written statements by
25 the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical
26 or other recordings, or transcripts thereof, of oral statements by the person, and written reports or
27 summaries of these oral statements.

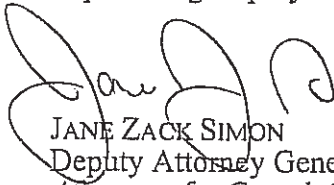
1 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery
2 should be deemed to authorize the inspection or copying of any writing or thing which is
3 privileged from disclosure by law or otherwise made confidential or protected as attorney's work
4 product.

5 Your response to this Request for Discovery should be directed to the undersigned attorney
6 for the Complainant at the address on the first page of this Request for Discovery within 30 days
7 after service of the Accusation.

8 Failure without substantial justification to comply with this Request for Discovery may
9 subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the
10 Government Code.

11 Dated: May 22, 2013

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General


JANE ZACK SIMON
Deputy Attorney General
Attorneys for Complainant

12
13
14
15
16
17
18 SA2012107664
19 40704759.doc
20
21
22
23
24
25
26
27
28

BEFORE THE
OSTEOPATHIC MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 16-2012-3384

ERNEST L. GALBREATH, D.O.

NOTICE OF DEFENSE

Respondent.

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

Dated: _____

Respondent's Name: _____

Respondent's Signature: _____

Address: _____

City, State and Zip Code: _____

Telephone: _____

Fax: _____

E-mail _____

Check appropriate box:

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone: _____

Counsel's Fax: _____

Counsel's E-mail: _____

- I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

**BEFORE THE
OSTEOPATHIC MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 16-2012-3384

ERNEST L. GALBREATH, D.O.

NOTICE OF DEFENSE

Respondent. [Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

Dated: _____

Respondent's Name: _____

Respondent's Signature: _____

Address: _____

City, State and Zip Code: _____

Telephone: _____

Fax: _____

E-mail: _____

Check appropriate box:

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone: _____

Counsel's Fax: _____

Counsel's E-mail: _____

- I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

**COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505**

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

In the Matter of the Accusation Against:
Ernest L. Galbreath, D.O.
Case No: 16-2012-3384

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1300 National Drive, Suite 150, Sacramento, CA 95834.

On June 6, 2013, I served the attached Accusation, Statement to Respondent, Request for Discovery, Notice of Defense (two copies), and the Government Code Sections 11507.5, 11507.6 and 11507.7, by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the Accusation, Statement to Respondent, Request for Discovery, Notice of Defense (two copies), and the Government Code Sections 11507.5, 11507.6 and 11507.7, as enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Osteopathic Medical Board of California addressed as follows:

NAME AND ADDRESS (certified and regular mail)

Ernest L. Galbreath, D.O. 7525 121 st Street W Andalusia, IL 61232	Certified Mail No. <u>7012 2920 0000 1156 7281</u>
---	---

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was made in Sacramento, California

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <i>Ruth L. Galbreath</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: cc: Jane. <i>Ernest L Galbreath DO.</i> <i>7525 121st West</i> <i>Andalusia, IL</i> <i>61232</i>		B. Received by (Printed Name) <i>Ruth L. Galbreath</i>	
		C. Date of Delivery	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
		3. Service Type <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Registered <input type="checkbox"/> C.O.D. <input type="checkbox"/> Insured Mail	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		<u>7012 2920 0000 1156 7281</u>	

English

Customer Service

USPS Mobile

Register / Sign In



Search USPS.com or Track Packages

Quick Tools
Track & Confirm

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

Enter up to 10 Tracking #Find

Find USPS Locations

Buy Stamps

Search by Package

Call a

Find a ZIP Code

Hold Mail

Change of Address

Track & Confirm

You entered: 70122920000011567201

Status: Delivered

Your item was delivered at 11:48 am on June 10, 2013 in ANDALUSIA, IL 61232.
Additional information for this item is stored in files offline.

You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed momentarily.

I would like to receive notification on this request

Restore

Find Another Item

What's your label (or receipt) number?

Find

LEGAL

Privacy Policy

Terms of Use

FOIA

No FEAR Act EEO Data

ON USPS.COM

Government Services

Buy Stamps & Shop

Print a Label with Postage

Customer Service

Delivering Solutions to the Last Mile

Site Index

ON ABOUT.USPS.COM

About USPS Home

Newsroom

USPS Service Alerts

Firms & Publications

Careers

OTHER USPS SITES

Business Customer Gateway

Postal Inspectors

Inspector General

Postal Explorer



Copyright © 2013 USPS. All Rights Reserved.

Jane Zack Simon

From: US_Postal_Service@usps.com
Sent: Friday, August 09, 2013 1:34 PM
To: Jane Zack Simon
Subject: U.S. Postal Service Track & Confirm email Restoration - 70122920000011567281

This is a post-only message. Please do not respond.

Jane Simon has requested that you receive this restoration information for Track & Confirm as listed below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: 70122920000011567281

Service Type: Certified Mail™

Shipment Activity	Location	Date & Time
Delivered	ANDALUSIA IL 61232	June 10, 2013 11:48 am
Arrival at Unit	ANDALUSIA IL 61232	June 10, 2013 7:45 am
Depart USPS Sort Facility	MILAN IL 61264	June 9, 2013
Processed through USPS Sort Facility	MILAN IL 61264	June 9, 2013 12:05 am
Depart USPS Sort Facility	DES MOINES IA 50318	June 8, 2013
Processed through USPS Sort Facility	DES MOINES IA 50318	June 7, 2013 11:23 pm
Depart USPS Sort Facility	WEST SACRAMENTO CA 95799	June 6, 2013
Processed through USPS Sort Facility	WEST SACRAMENTO CA 95799	June 6, 2013 7:50 pm

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm tool at <http://www.usps.com/shipping/trackandconfirmfaqs.htm>.

EXHIBIT 2

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 JANE ZACK SIMON
Deputy Attorney General
4 State Bar No. 116564
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5544
6 Fax: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov
7 *Attorneys for Complainant*
Medical Board of California

8
9 **BEFORE THE**
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 16-2012-3384

12 **ERNEST L. GALBREATH, D.O.,**
13 7525 121st Street W.
14 Andalusia, IL 61232

COURTESY NOTICE OF DEFAULT

15 Osteopathic Physician's and Surgeon's
16 Certificate No. 20A5996

17 Respondent

18 TO RESPONDENT ERNEST L. GALBREATH, D.O.:

19 PLEASE TAKE NOTICE that service of an Accusation was duly made upon you in the
20 time and manner provided bylaw and that you have failed to file a Notice of Defense as was
21 required of you. A copy of Accusation is attached to this notice. **You must take immediate**
22 **action and file a Notice of Defense or you will forfeit important rights, including the right to**
23 **present a defense to the charges against you.** If you fail to take action and file a Notice of
24 Defense, the Osteopathic Medical Board of California will enter a Default Decision against your
25 license and your license may be revoked or suspended without any hearing.
26

27 ///

28 ///

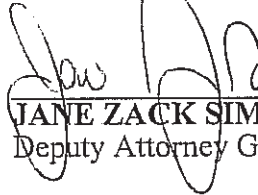
1 If you wish to present a defense to the charges set forth in the Accusaiton, you must
2 immediately send a completed Notice of Defense to:

3
4 Jane Zack Simon
5 Deputy Attorney General
6 Office of the Attorney General
7 455 Golden Gate Avenue, Suite 11000
8 San Francisco, CA 94102

9 You may contact an attorney and be represented by an attorney at your own expense. In
10 addition, please take notice that you are required to maintain a current and accurate address of
11 record with the Osteopathic Medical Board of California.

12 DATED: 8/9/13

13 **KAMALA D. HARRIS., Attorney
14 General of the State of California**

15 
16 _____
17 **JANE ZACK SIMON**
18 Deputy Attorney General

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

Case Name: **Ernest L. Galbreath, D.O.**

No.: **16-2012-3384**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On August 12, 2013, I served the attached **COURTESY NOTICE OF DEFAULT** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the **COURTESY NOTICE OF DEFAULT** was enclosed in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Ernest L. Galbreath, D.O.
7525 121st St. W.
Andalusia, IL 61232

Certified Article Number
7196 9008 9111 7988 4936

SENDER'S RECORD

I declare under penalty of perjury under the laws of the State of California and correct and that this declaration was executed on August 15, 2013 in California.

9111 7988 4936

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Ernest L. Galbreath, D.O.

B. Date of Delivery 8-15-13

C. Signature *[Signature]*

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: Andalusia, IL 61232

Agent Addressee
 Yes
 No

32

mon

97664

USPS
SA2012107664
Jane Zack Simon

POSTMARK OR DATE

USPS®
Receipt for Certified Mail™
No Insurance Coverage Provided

January 2005

Domestic Return Receipt

1. Article Addressed to:
Ernest L. Galbreath, D.O.
7525 121st St. W.
Andalusia, IL 61232

2. Article Number
7196 9008 9111 7988 4936

3. Service Type **CERTIFIED MAIL™** Yes

4. Restricted Delivery? (Extra Fee) Yes

EXHIBIT 3



OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
1300 National Drive, Suite 150, Sacramento, CA 95834-1991
P (916) 928-8390 F (916) 928-8392 | www.ombc.ca.gov



May 7, 2012

To Whom It May Concern:

Re: **Ernest Lee Galbreath, D.O.**

I, Angie M. Burton, Official Custodian of Records of the Osteopathic Medical Board of California, do hereby certify that **Ernest Lee Galbreath, D.O.** was issued osteopathic physician's and surgeon's license number **20A5996** by the Osteopathic Medical Board of California on August 2, 1991. Said license is of active status, in good standing, with an expiration date of April 30, 2014.

I further certify that no disciplinary action has ever been taken against the above-named osteopathic physician's license by this Board.

A handwritten signature in cursive script that reads "Angie M. Burton".

Angie M. Burton
Osteopathic Medical Board of CA

Section 162 of the Business and Professions Code: The certificate of the officer in charge of the records of any board in the department that any person was or was not on a specified date, or during a specified period of time, licensed, certified or registered under the provisions of law administered by the Board, or that the license, certificate or registration of any person was revoked or under suspension, shall be admitted in any court as prima facie evidence of the facts therein recited.

Department of Consumer Affairs
Osteopathic Medical Board of California

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

Licensee Name: GALBREATH ERNEST LEE SR.
 License Type: OSTEOPATHIC PHYSICIAN AND SURGEON
 License Number: 20A5996
 License Status: LICENSE RENEWED & CURRENT Definition
 DISCIPLINE BY OTHER STATE/FEDERAL GOVERNMENT Definition
 ACCUSATION FILED Definition
 Expiration Date: April 30, 2014
 Issue Date: August 02, 1991
 Address: 7525 121ST STREET W
 City: ANDALUSIA
 State: IL
 Zip: 61232
 County: OUT OF STATE
 Actions: Yes

Public Disclosure

Administrative Disciplinary Actions

The Osteopathic Medical Board's Public Disclosure screens are updated periodically as new information becomes available. Please contact the Osteopathic Medical Board office at (916) 928-8390 or at 1300 National Drive, Suite #150, Sacramento, CA 95834-1991, to obtain a copy of public documents at a minimal charge.

Case Number: 16201200338400
 Description of Action: ACCUSATION FILED 06-06-2013. SUBJECT HAS NOT YET HAD A HEARING REGARDING THIS MATTER.
 Effective Date of Action: June 06, 2013
 Public documents relating to this action are available here: http://www.ombc.ca.gov/public/20a5996_20130606_a.pdf

Administrative Citations Issued

No information available from this agency

Disciplinary Actions Taken by Other State/Federal Government

This information is provided by another state/federal government agency. The Osteopathic Medical Board of California may take disciplinary action based on the discipline imposed by another state/federal government agency. For more information or verification, contact the agency listed below that imposed the discipline.

Complaint Number: 162012003384
 Jurisdiction: IOWA STATE BOARD OF MEDICINE AND SURGERY
 Description of Action: SUBJECT'S LICENSE IS INDEFINITELY SUSPENDED IN IOWA.
 Date of Action: AUGUST 18, 2011

Hospital Disciplinary Actions

No information available from this agency

This information is updated Monday through Friday - Last updated: SEP-04-2013

Disclaimer

All information provided by the Department of Consumer Affairs on this web page, and on its other web pages and internet sites, is made available to provide immediate access for the convenience of interested persons. While the Department believes the information to be reliable, human or mechanical error remains a possibility, as does delay in the posting or updating of information. Therefore, the Department makes no guarantee as to the accuracy, completeness, timeliness, currency, or correct sequencing of the information. Neither the Department, nor any of the sources of the information, shall be responsible for any errors or omissions, or for the use or results obtained from the use of this information. Other specific cautionary notices may be included on other web pages maintained by the Department. All access to and use of this web page and any other web page or internet site of the Department is governed by the Disclaimers and Conditions for Access and Use as set forth at [California Department of Consumer Affairs' Disclaimer Information and Use Information](#).

[Back](#)

EXHIBIT 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**BEFORE THE
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ERNEST L. GALBREATH, D.O.

OSTEOPATHIC PHYSICIAN'S AND SURGEON'S CERTIFICATE NO.
20A5996

RESPONDENT.

Case No. 16-2011-3284

**CERTIFICATION OF COSTS;
DECLARATION OF JANE ZACK
SIMON**

[Bus. & Prof. Code §125.3]

JANE ZACK SIMON declares and certifies as follows:

1. I am a Deputy Attorney General employed by the California Department of Justice (DOJ) Attorney General's Office. (AGO) I am assigned to the Health Quality Enforcement Section in the Civil Division of the AGO. I have been designated as the representative to certify the costs of prosecution by DOJ and incurred by the Osteopathic Medical Board of California in this case. I make this certification in my official capacity.


2. I represent Complainant, Angelina M. Burton, Executive Director of the Osteopathic Medical Board. This case was transmitted to the AGO for action on or around May 10, 2012; it was assigned to me in May 2013. The AGO performed a variety of tasks necessary for the prosecution of this matter, including, but not limited to (1) conducting an initial case evaluation; (2) obtaining, reading and reviewing the materials and information from the other jurisdictions; (3) drafting pleadings, correspondence and other case-related documents; (4) consulting and/or meeting with colleague deputies, supervisory staff and client staff.

3. I am personally familiar with the time recording and billing practices of DOJ and the procedure for charging the client agency for the reasonable and necessary work performed on a particular case. Whenever work is performed on a case, it is the duty of the assigned Deputy to keep track of the time spent and submit that time to the DOJ time-keeping program at or near the time of the tasks performed. Based on the time reported through September 4, 2013, DOJ has

1 billed or will bill the Board for \$1,572.00 for work on this case.

2 4. To the best of my knowledge, the items of cost set forth in this certification are
3 correct and were necessarily incurred in this case.

4 I certify under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct. Executed on September 5, 2013 at San Francisco, California.

6 
7 _____
8 JANE ZACK SIMON
9 Deputy Attorney General

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28