

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
STATE BOARD OF MEDICINE**

PROTHONOTARY

2006 SEP 27 PM 1:33

Department of State

**Commonwealth of Pennsylvania,  
Bureau of Professional and  
Occupational Affairs**

v.

**Larry R. Glazerman, M.D.,  
Respondent**

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**Docket No. 1208-49-06  
File No. 04-49-08589**

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**ADJUDICATION AND ORDER**

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**John F. Alcorn  
Chief Hearing Examiner**

**P.O. Box 2649  
Harrisburg, PA 17105-2649  
(717) 772-2686**

## HISTORY

This matter comes before the hearing examiner for the State Board of Medicine (Board) on an order to show cause (OSC) filed on July 21, 2006, alleging that Larry R. Glazerman, M.D. (Respondent) is subject to disciplinary action under 903 of the Medical Care Availability and Reduction of Error (Mcare) Act, Act of March 20, 2002, P.L. 154, 40 P.S. §1303.903, as a result of failing to report to the Board within sixty days notice of a complaint in a medical professional liability action filed against him.

The Commonwealth served the OSC upon Respondent at his address via certified mail, return receipt requested on July 24, 2006. Respondent received the Order to Show Cause on July 25, 2006 as evidenced by Postal Form 3811, Article# 7000 0600 0028 9628 0125. Service of the OSC upon Respondent accorded with the requirements of § 33.31 of the General Rules of Administrative Practice and Procedure (GRAPP), 1 Pa. Code §33.31. Respondent failed to file an answer or otherwise respond to the OSC. On September 14, 2006, the Commonwealth filed a Motion to Enter Default and Deem Facts Admitted (MDFA), which was served upon Respondent at his address on file with the Board. Respondent did not respond to the MDFA.

## FINDINGS OF FACT

1. Respondent holds a license to practice medicine and surgery in the Commonwealth of Pennsylvania, license no. MD-019651-E. (Board records)
2. Respondent's license with the Board is active through December 31, 2006, and may be renewed thereafter upon filing of the appropriate documentation and payment of the necessary fees. (Board records)
3. At all times pertinent to the factual allegations, Respondent held a license to practice medicine and surgery in the Commonwealth of Pennsylvania. (Board records)
4. Respondent's address is OB-GYN At Trexlertown, P.C., 6900 Hamilton Blvd., PO Box 60, Trexlertown, PA 18087. (Board records)
5. On July 21, 2006, the Commonwealth filed an Order to Show Cause setting forth allegations that the Respondent violated the Medical Care Availability and Reduction of Error Act (MCARE Act). (Exhibit 1)
6. Pursuant to the Certificate of Service attached to the Order to Show Cause, the Commonwealth served the Order to Show Cause upon the Respondent by mailing a copy via certified mail, return receipt requested to the Respondent at the following address: OB-GYN at Trexlertown, PC, 6900 Hamilton Blvd., PO Box 60, Trexlertown, PA 18087. (Exhibit 1)
7. Respondent received the Order to Show Cause on July 25, 2006 as evidenced by Postal Form 3811, Article # 7000 0600 0028 9628 0125. (Exhibit 2)
8. The OSC directed Respondent to file an Answer to the OSC within 30 days of service of the OSC. (Docket No. 1208-49-06)

9. As of the date of this Motion to Enter Default and Deem Facts Admitted, the Respondent has failed to file an Answer to the Order to Show Cause. (Docket No. 1208-49-06)

10. On September 14, 2006, the Commonwealth filed an MDFA in this matter. (Docket No. 1208-49-06)

11. Respondent did not respond to the Commonwealth's MDFA. (Docket No. 1208-49-06)

12. Respondent was served with all pleadings, orders, and notices filed of record in this matter. (Docket No. 1208-49-06)

### CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter. (Findings of Fact, Nos. 1-4)
2. Respondent has been afforded reasonable notice of the charges against him and an opportunity to be heard in this proceeding, in accordance with the Administrative Agency Law, 2 Pa. C.S. §504. (Findings of Fact, No. 12)
3. Respondent violated section 903 of the Mcare Act, 40 P.S. §1303.903, as a result of failing to report to the Board within sixty days notice of a complaint in a medical professional liability action filed against him. (Findings of Fact, Nos. 4-11)
4. The Board is authorized to impose disciplinary or corrective measures or a civil penalty pursuant to section 908 of the Act, 40 P.S. §1303.908.

## DISCUSSION

### Motion for Default

The OSC was initially served on Respondent by certified mail, return receipt requested on July 24, 2006. Respondent received the certified mailing on July 25, 2006 as evidenced by Postal Form 3811, Article # 7000 0600 0028 9628 0125.

In the Notice attached to the OSC, Respondent was notified that the Commonwealth instituted formal disciplinary action against him and that failure to respond to the OSC could result in a default judgment against him. Respondent was notified that he might lose his license to practice medicine and surgery in the Commonwealth. Respondent was directed to file an answer to the allegations in the OSC within 30 days, and advised that if he did not file an answer to those allegations, disciplinary action may be taken against him without a hearing. Under a section captioned "Procedures" in the OSC, Respondent was ordered to file a written answer to the OSC within 30 days, and advised that failure to do so would result in issuance of an order imposing a penalty against his license to practice medicine and surgery.

On September 15, 2006, the Commonwealth filed a MDFA due to Respondent's failure to file an answer to the OSC within the time specified. The MDFA was sent via first class mail, postage prepaid, to Respondent's address of record with the Board. The MDFA has not been returned to the Bureau of Professional and Occupational Affairs.

As of the date of this adjudication, Respondent has filed neither an answer to the OSC nor a response to the MDFA. Respondent is therefore in default in accordance with 1 Pa. Code §35.37, which provides in pertinent part as follows:

**§35.37. Answers to orders to show cause.**

Any person upon whom an order to show cause has been served . . . shall, if directed so to do, respond to the same by filing within the time specified in the order an answer in writing. . . A respondent failing to file an answer within the time allowed shall be deemed in default, and relevant facts stated in the order to show cause may be deemed admitted.

Accordingly, under 1 Pa. Code §35.37, the Commonwealth's MDFA is granted and the allegations in the OSC are deemed admitted.

**Violation**

This action is brought under sections 903 and 908 of the Mcare Act, 40 P.S. §§ 1303.903 and 908, which provide in pertinent:

**§ 1303.903 Reporting**

A physician shall report to the State Board of Medicine...within 60 days of the occurrence of any of the following:

(1) Notice of a complaint in a medical professional liability action against the physician. The physician shall provide the docket number of the case, where the case is filed and a description of the allegations in the complaint.

\* \* \*

**§ 1303.908 Licensure board – imposed civil penalty**

In addition to any other civil remedy or criminal penalty provided for in this act... the State Board of Medicine..., by a vote of the majority of the maximum number of the authorized membership of each board as provided by law or by a vote of the majority of the duly qualified and confirmed membership or a minimum of five members, whichever is greater, may levy a civil penalty of up to **\$10,000** on any current licensee who violates any provision of this act, the Medical Practice Act of 1985...

\* \* \*

The Commonwealth charged in its OSC that Respondent is subject to discipline as a result of failing to report to the Board within sixty days notice of a complaint in a medical professional liability action filed against him. On March 9, 2004, a Complaint was filed in a civil suit naming Respondent as a Defendant. On September 15, 2004, the Commonwealth received notification from another source that Respondent was named as a Defendant in a civil suit. On July 24, 2006, the Commonwealth notified Respondent that he was not in compliance with the reporting requirements of section 903 of the Mcare Act. Since March 9, 2004, Respondent has failed to comply with the reporting requirements of section 903 of the Mcare Act, 40 P.S. §1303.903. There is no question that Respondent has violated section 903 of the Act; the only issue is the appropriate sanction.

Under its professional licensing statute, the Board is charged with the responsibility and authority to oversee the profession and to regulate and license professionals to protect the public health and safety. *Barran v. State Board of Medicine* 670 A.2d 765, 767 (Pa.Cmwlth. 1996), *appeal denied* 679 A.2d 230 (Pa. 1996). To that end, the Mcare Act requires medical doctors to report civil medical malpractice actions so that the Board, at an early stage, can determine whether a disciplinary action should follow. Self-reporting is the foundation of such a review. Respondent must be reminded of his obligation, and thus a civil penalty will be imposed.

Accordingly, based upon the above findings of fact, conclusions of law and discussion, the following order will issue.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
STATE BOARD OF MEDICINE

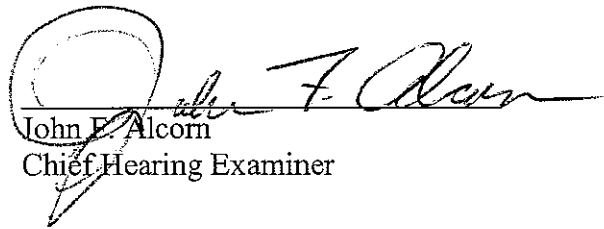
Commonwealth of Pennsylvania, :  
Bureau of Professional and :  
Occupational Affairs :  
v. : Docket No. 1208-49-06  
: File No. 04-49-08589  
: Larry R. Glazerman, M.D., :  
Respondent :

**ORDER**

NOW, this 27th day of September, 2006, upon consideration of the foregoing findings of fact, conclusions of law and discussion, the license issued to Respondent, **Larry R. Glazerman, M.D.**, license no. MD-019651-E, is assessed a civil penalty in the amount of **\$1,000.00**.

The civil penalty shall be paid by certified check or money order payable to "Commonwealth of Pennsylvania", and mailed to: Counsel, State Board of Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649 in accordance with the attached notice and the Board's Order.

This order shall take effect 20 days from the date of mailing, shown below, unless otherwise ordered by the State Board of Medicine.

  
John F. Alcorn  
Chief Hearing Examiner

*Respondent:*

Larry R. Glazerman, M.D.  
OB-GYN at Trexlertown P.C.  
6900 Hamilton Blvd.  
P.O. Box 60  
Trexlertown, PA 18087

*Prosecuting Attorney:*

Andrew B. Kramer, Esquire  
Office of General Counsel  
Department of State  
P.O. Box 2649  
Harrisburg, PA 17105-2649

*Date of mailing:*

September 27, 2006

## NOTICE

(Medicine)

### REHEARING AND/OR RECONSIDERATION BY HEARING EXAMINER

An application to the hearing examiner for rehearing or reconsideration may be filed by a party within 15 days after the mailing date of this adjudication and order. The application must be captioned "Application for Rehearing," "Application for Reconsideration," or "Application for Rehearing or Reconsideration." It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking rehearing or reconsideration, including any alleged error in the adjudication. If the adjudication is sought to be vacated, reversed or modified by reason of matters that have arisen since the hearing and decision, the matters relied upon by the petitioner must be set forth in the application.

### APPEAL TO BOARD

An application to the State Board of Medicine for review of the hearing examiner's adjudication and order must be filed by a party within 20 days after the mailing date of this adjudication and order. The application should be captioned "Application for Review." It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking the Board's review of the hearing examiner's decision, including any alleged error in the adjudication. Within an application for review a party may request that the Board hear additional argument and take additional evidence.

An application to the Board to review the hearing examiner's decision may be filed irrespective of whether an application to the hearing examiner for rehearing or reconsideration is filed.

### STAY OF HEARING EXAMINER'S ORDER

Neither the filing of an application for rehearing and/or reconsideration nor the filing of an application for review operates as a stay of the hearing examiner's order. To seek a stay of a hearing's examiner's order, the party must file an application for stay directed to the hearing examiner. If the hearing examiner denies the stay, an application for stay directed to the Board may then be filed.

### FILING AND SERVICE

An original and three copies of all applications shall be filed with Deanna S. Walton, Prothonotary, P O Box 2649, Harrisburg, Pennsylvania 17105-2649. A copy of applications must also be served on all parties.

Applications must be received for filing by the Prothonotary within the time limits specified. The date of receipt at the office of Prothonotary, and not the date of deposit in the mail, is determinative. The filing of an application for rehearing and/or reconsideration does not extend, or in any other manner affect, the time period in which an application for review may be filed.

### STATUTES AND REGULATIONS

Statutes and regulations relevant to post-hearing procedures are the Medical Practice Act of 1985 at 63 P.S. §§422.1-422.45; Section 905 of the Health Care Services Malpractice Act, 40 P.S. §1301.905; and the General Rules of Administrative Practice and Procedure at 1 Pa. Code Part II, to the extent the rules are consistent with regulations promulgated by the Board or provisions of the Medical Practice Act of 1985 or the Health Care Services Malpractice Act.

Not having an attorney will not be accepted as an excuse for failing to comply with the requirements contained in these notice provisions or relevant statutes and regulations.