

**CONSENT AGREEMENT
BETWEEN
RAY DEAN HEATON, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between RAY DEAN HEATON, D.O., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Ohio Revised Code Chapter 4731. RAY DEAN HEATON, D.O. enters into the AGREEMENT being fully informed of his rights under Ohio Revised Code Chapter 119., including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22, Ohio Revised Code, to limit, revoke, suspend a certificate, or reprimand or place on probation the holder of a certificate for violation of any of the enumerated subsections.

- B. THE STATE MEDICAL BOARD OF OHIO enters into CONSENT AGREEMENT in lieu of formal proceedings based upon the Notice of Opportunity for Hearing dated September 9, 1992, a copy of which is attached hereto as "Exhibit A" and incorporated herein, and expressly reserves the right to institute further formal proceedings based upon any other violations of Ohio Revised Code Chapter 4731, whether occurring before or after the effective date of this AGREEMENT.

- C. RAY DEAN HEATON, D.O. is licensed to practice osteopathic medicine and surgery in the state of Ohio.
- D. RAY DEAN HEATON, D.O. admits the failure to advise the STATE MEDICAL BOARD OF OHIO of the Virginia Board of Medicine's formal reprimand, in violation of Sections 47311.22(A), 4731.22(B)(5), and 4731.22(B)(8), Ohio Revised Code.

RAY DEAN HEATON, D.O. further enters into this CONSENT AGREEMENT in lieu of further formal proceedings and expressly reserves the right to raise any and all defenses which he may have to such charges in the event formal proceedings are initiated by the Ohio State Medical Board at a later date based upon the facts which have formed the basis of this CONSENT AGREEMENT.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of further formal proceedings at this time, RAY DEAN HEATON, D.O., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO to the following terms, conditions and limitations:

1. RAY DEAN HEATON, D.O., is hereby REPRIMANDED.
2. Within thirty (30) days of the effective date of this AGREEMENT, DR. HEATON shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services or receive training; and the Chief of Staff at each hospital where he has, applies for, or obtains privileges or appointment.

If, in the discretion of THE STATE MEDICAL BOARD OF OHIO, DR. HEATON appears to have violated or breached any term or condition of this AGREEMENT, THE STATE MEDICAL BOARD OF OHIO reserves the right to reinstitute formal disciplinary proceedings as to the allegations contained in the July 9, 1992 Notice of Opportunity for Hearing. No act or omission by DR. HEATON which occurs prior to the effective date of this AGREEMENT shall constitute a breach or violation of this AGREEMENT. DR. HEATON acknowledges that he has had an opportunity to ask questions concerning the terms of this AGREEMENT and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the BOARD based on the alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Ohio Revised Code Chapter 119.

DR. HEATON hereby releases THE STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Ohio Revised Code Section 149.43, and shall become effective upon the last date of signature below. Further,

this information may be reported by the BOARD to appropriate organizations, databanks and governmental bodies.

THE STATE MEDICAL BOARD OF OHIO

Ray Dean Heaton
RAY DEAN HEATON, D.O.

12/18/92
DATE

Martha Post Baxter
MARTHA POST BAXTER, ESQ.
Counsel for
RAY DEAN HEATON, D.O.

12/21/92
DATE

By: Carla S. O'Day
CARLA S. O'DAY, M.D.
SECRETARY

12/31/92
DATE

Ronald J. Kaplansky
RONALD J. KAPLANSKY, D.P.M.
SUPERVISING MEMBER

12/24/92
DATE

Susan C. Walker
SUSAN C. WALKER
Assistant Attorney General

12/31/92
DATE



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

September 9, 1992

Ray Dean Heaton, D.O.
5015 Lee Highway
Arlington, VA 22207

Dear Doctor Heaton:

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 osteopathic medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) In or about July of 1992, you completed and signed an application for biennial renewal of your certificate to practice osteopathic medicine and surgery in the State of Ohio. On that application, you answered "NO" to question number two (2) which asked "at any time since signing your last application for renewal of your certificate have you had a license denied by or had any disciplinary action taken or initiated against you by any state licensing board other than the State Medical Board of Ohio?"

In fact, on or about March 11, 1991, the Virginia Board of Medicine notified you that you had been formally reprimanded upon a finding that you had violated Section 54.1-1915.A(3), as further defined in Section 54.1-2914.A(9) of the Code of Virginia (1950), as amended, to wit:

"On July 10, 1989, during the course of providing osteopathic examination and treatment to Patient A, you inappropriately touched the patient's abdomen and breast. Further, during said examination you inappropriately pressed your penis against the patient's knee."

Mailed 9/11/92

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You failed to reject the Committee's decision and request a formal administrative hearing in this matter as was your right pursuant to Section 9-6.14:12 of the Code of Virginia.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "obtaining of, or attempting to obtain money or anything of value by fraudulent misrepresentations in the course of practice," as that clause is used in Section 4731.22(B)(8), 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, the request must be made in writing and must be received in the offices of the State Medical Board 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 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 (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 osteopathic medicine and surgery or to reprimand or place you on probation.

September 9, 1992

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Copies of the applicable sections are enclosed for your information.

Very truly yours,

Carla S. O'Day, M.D.

Carla S. O'Day, M.D.
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 055 328 794
RETURN RECEIPT REQUESTED