

**STATE OF OHIO  
THE STATE MEDICAL BOARD  
SURRENDER OF CERTIFICATE TO PRACTICE  
OSTEOPATHIC MEDICINE AND SURGERY**

I, Herman S. Yassall, D.O., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, Herman S. Yassall, D.O., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice osteopathic medicine and surgery, No. 1471, to the State Medical Board of Ohio, thereby relinquishing all rights to practice osteopathic medicine and surgery in Ohio.

I understand that as a result of the surrender herein I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice osteopathic medicine and surgery No. 1471 or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing this Surrender of Certificate to Practice Osteopathic Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board. In connection therewith, I hereby expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal.

I, Herman S. Yassall, D.O., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

This Voluntary Retirement supersedes, and serves to resolve all obligations arising from, the Consent Agreement between Herman Yassall, D.O. and The State Medical Board of Ohio which became effective April 9, 1998

Signed this 29<sup>th</sup> day of July, 1998.

Herman S. Yassall  
Herman S. Yassall, D.O.

Roman R. Munnal Sr.  
Witness

Antoine P. Fackler  
Witness

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

SEAL

(This form must be either witnessed OR notarized)

Accepted by the State Medical Board of Ohio:

Anand G. Garg, M.D.  
ANAND G. GARG, M.D.  
SECRETARY

Raymond J. Albert  
RAYMOND J. ALBERT  
SUPERVISING MEMBER

**CONSENT AGREEMENT  
BETWEEN  
HERMAN YASSALL, D.O.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between HERMAN YASSALL, D.O., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

HERMAN YASSALL, D.O., voluntarily enters into this Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this CONSENT AGREEMENT.

**BASIS FOR ACTION**

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(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for any of the enumerated violations.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of further formal proceedings based upon the violations of Section 4731.22, Ohio Revised Code set forth in the Notice of Opportunity for Hearing issued by the BOARD on January 14, 1998, attached hereto as Exhibit A and incorporated herein by this reference. The BOARD expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4731 of the Ohio Revised Code whether occurring before or after the effective date of this AGREEMENT.
- C. HERMAN YASSALL, D.O., is licensed to practice osteopathic medicine and surgery in the State of Ohio.
- D. HERMAN YASSALL, D.O., states that he has retired from the practice of osteopathic medicine and surgery, effective December 1997.

- E. HERMAN YASSALL, D.O., ADMITS the factual and legal allegations set forth in the Notice of Opportunity for Hearing issued by the BOARD on January 14, 1998, attached hereto as Exhibit A and incorporated herein by reference.

### **AGREED CONDITIONS**

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

### **SUSPENSION OF CERTIFICATE**

1. The certificate of HERMAN YASSALL, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than one (1) year. Such suspension shall become effective immediately upon the effective date of this CONSENT AGREEMENT. In accordance with such suspension, DOCTOR YASSALL shall promptly surrender his current wallet registration card and wall certificate to the BOARD or its designee. Any period of suspension in effect prior to receipt by the BOARD or its designee of the current wallet registration card and wall certificate shall not apply toward the period of suspension specified by this CONSENT AGREEMENT. Upon completion of the suspension period and reinstatement of DOCTOR YASSALL'S license, the wall certificate and a current wallet registration card will be promptly returned to DOCTOR YASSALL.
2. During the period that DOCTOR YASSALL's certificate to practice osteopathic medicine and surgery in Ohio is suspended, DOCTOR YASSALL shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR YASSALL written notification of scheduled appearances, it is DOCTOR YASSALL's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by

the end of the month in which the appearance should have occurred, DOCTOR YASSALL shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance.

### **SURRENDER OF DEA CERTIFICATE**

3. DOCTOR YASSALL shall immediately surrender his United States Drug Enforcement Administration Certificate. He shall be ineligible to hold, and shall not apply for, registration with the Drug Enforcement Administration to prescribe, dispense or administer controlled substances without prior BOARD approval. DOCTOR YASSALL shall not seek the BOARD's approval for a change in this provision for a minimum of one (1) year from the effective date of the reinstatement of his certificate to practice osteopathic medicine and surgery in the state of Ohio.

### **LIMITATIONS**

4. The certificate of DOCTOR YASSALL to practice osteopathic medicine and surgery in the state of Ohio shall be permanently LIMITED AND RESTRICTED as follows:
  - A. DOCTOR YASSALL shall not prescribe, administer, dispense, order, write orders for, or give verbal orders for any controlled substance anorectic.
  - B. DOCTOR YASSALL shall not treat any patient for purposes of achieving weight reduction using means other than a regimen of weight reduction based on caloric restriction, nutritional counseling, behavior modification and exercise.

### **CONDITIONS FOR REINSTATEMENT**

5. The BOARD shall not consider reinstatement of DR. YASSALL's certificate to practice unless and until all of the following minimum requirements are met:
  - A. DR. YASSALL shall submit an application for reinstatement, accompanied by appropriate fees.
  - B. DR. YASSALL shall provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course shall be subject to the prior approval of the Board or its designee,

but shall be at least forty (40) hours in length. Any course taken in compliance with this provision shall be in addition to the Continuing Medical Education Requirements for relicensure for the biennial registration period in which it is completed.

- C. In the event that DR. YASSALL has not been engaged in the active practice of osteopathic medicine and surgery for a period in excess of two years prior to reinstatement, the BOARD may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of DR. YASSALL's fitness to resume practice.

### **PROBATIONARY CONDITIONS**

6. Upon reinstatement, DR. YASSALL'S certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of five (5) years:
- A. DOCTOR YASSALL shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
- B. DOCTOR YASSALL shall not prescribe, administer, dispense, order, write orders for, or give verbal orders for any controlled substances (as defined by state or federal law) without prior BOARD approval. He shall be ineligible to hold, and shall not apply for, registration with the Drug Enforcement Administration to prescribe, dispense or administer controlled substances without prior BOARD approval. DOCTOR YASSALL shall not seek the BOARD's approval for a change in these provisions for a minimum of one (1) year from the effective date of the reinstatement of his certificate to practice osteopathic medicine and surgery in the state of Ohio.
- C. Prior to engaging in the practice of osteopathic medicine and surgery DOCTOR YASSALL shall submit to the BOARD and receive its approval for a plan of practice in Ohio which, unless and until otherwise determined by the Board, shall be limited to a supervised structured environment in which DOCTOR YASSALL's activities will be directly supervised and overseen by a monitoring physician approved in advance by the BOARD.
- D. Prior to engaging in the practice of osteopathic medicine and surgery, DOCTOR YASSALL shall submit for the BOARD's prior approval the name of a monitoring physician, who shall review DOCTOR YASSALL's

patient charts and shall submit a written report of such review to the BOARD on a quarterly basis. Such chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the BOARD. It shall be DOCTOR YASSALL's responsibility to ensure that the monitoring physician's quarterly reports are submitted to the BOARD on a timely basis.

Further, the monitoring physician shall otherwise monitor DOCTOR YASSALL and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR YASSALL shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR YASSALL must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR YASSALL shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore.

All monitoring physician reports required under paragraph 6D of this CONSENT AGREEMENT must be received in the BOARD's offices no later than the due date for DOCTOR YASSALL's quarterly declaration, as set forth in paragraph 6E of this CONSENT AGREEMENT. It is DOCTOR YASSALL's responsibility to ensure that reports are timely submitted.

- E. DOCTOR YASSALL shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT. The first quarterly declaration must be received in the BOARD's offices on the first day of the third month following the month in which DOCTOR YASSALL's reinstatement becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the BOARD's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the BOARD's offices on or before the first day of every third month.

- F. DOCTOR YASSALL shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR YASSALL written notification of scheduled appearances, it is DOCTOR YASSALL's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR YASSALL shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance.

- G. In the event that DOCTOR YASSALL should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR YASSALL must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of the PROBATIONARY period under this CONSENT AGREEMENT, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that the required monitoring and reporting is otherwise being performed

### **TOLLING PROVISION**

7. In the event DOCTOR YASSALL is found by the Secretary of the BOARD to have failed to comply with any provision of this agreement, and is so notified of that deficiency in writing, such periods of noncompliance will not apply to the reduction of the period of SUSPENSION or PROBATION under this CONSENT AGREEMENT.

### **REQUIRED REPORTING BY LICENSEE**

8. Within thirty (30) days of the effective date of this AGREEMENT, DOCTOR YASSALL shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide physician services or is receiving training; and the

Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR YASSALL shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

9. Within thirty (30) days of the effective date of this AGREEMENT, DOCTOR YASSALL shall provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds a license to practice. DOCTOR YASSALL further agrees to provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for licensure or reinstatement of licensure. Further, DOCTOR YASSALL shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

#### **FAILURE TO COMPLY**

10. DOCTOR YASSALL agrees that if any declaration or report required by this AGREEMENT is not received in the BOARD's offices on or before its due date, DOCTOR YASSALL shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR YASSALL appears to have violated or breached any term or condition of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

If the Secretary and Supervising Member of the BOARD determine that there is clear and convincing evidence that DOCTOR YASSALL has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR YASSALL agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for the purposes of initiating a summary suspension pursuant to Section 4731.22(D), Ohio Revised Code.

**ACKNOWLEDGMENTS/LIABILITY RELEASE**

DOCTOR YASSALL 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.

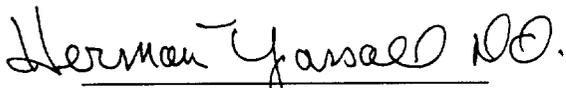
Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

DOCTOR YASSALL 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 Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

**EFFECTIVE DATE**

It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
HERMAN YASSALL, D.O.

4-1-98  
DATE

  
ANAND G. GARG, M.D.  
Secretary

4/9/98  
DATE

  
RONALD JAMES RICE  
Attorney for Dr. Yassall

4-1-98  
DATE

  
RAYMOND J. ALBERT  
Supervising Member

4/8/98  
DATE

  
JAMES M. McGOVERN  
Assistant Attorney General

4/8/98  
DATE



# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43266-0315 • (614) 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

January 14, 1998

Herman Yassall, D.O.  
7433 Warren Sharon Road  
Box 267  
Brookfield, OH 44403

Dear Doctor Yassall:

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 the routine course of your practice, you treated Patients 1-33 as identified on the attached Patient Key (Key confidential -- to be withheld from public disclosure), with controlled substance anorectics for weight loss.
  - (a) Prior to initiating your treatment of Patients 1-33 with controlled substance anorectics, you failed to determine and/or your records fail to reflect that the patients had made a substantial good-faith effort to lose weight in a treatment program utilizing a regimen of weight reduction based on caloric restriction, nutritional counseling, behavior modification, and exercise, without the utilization of controlled substances, and that said treatment had been ineffective.
  - (b) Further, in your treatment of Patients 1-33, you failed to obtain and/or your records fail to reflect a thorough history and physical prior to initiating treatment with controlled substance anorectics.
  - (c) In your treatment of Patient 31, you utilized controlled substance anorectics when you knew or had reason to believe that a recognized contraindication existed.

For example, Patient 31 received controlled substance anorectics for weight loss from September 1987 through September 1995, despite documented elevated

*Mailed 1/16/98*

blood pressures beginning in or about 1990, and your initiation of diuretics in 1992, and Capozide for hypertension in August 1993.

- (d) In your treatment of Patients 4, 6, 9, 12, 13, 16, 24, 26, 27, and 29, you failed to discontinue utilizing controlled substance anorectics despite the fact that the patient records indicate that:
- (i) the patients had failed to lose weight while under treatment with controlled substance anorectics over a period of fourteen days and/or;
  - (ii) the patients had not been weighed at least every fourteen days.
- (e) In your treatment of Patients 6, 9, 10, 12, 13, 16, 17, 18, 19, 24, 26, 28, 29, 30, and 32, you failed to utilize the controlled substance anorectics in accordance with the F.D.A. approved labeling for the product in that you prescribed controlled substances anorectics for periods of time that were longer than "a few weeks." In fact, in some cases the patients received controlled substance anorectics for periods of time that were longer than five months.

Your acts, conduct, and/or omissions as alleged in paragraphs (1)(a), (b), (c), (d), and (e) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-11-04(B), Ohio Administrative Code. Pursuant to Rule 4731-11-04(C), Ohio Administrative Code, a violation of any provision of Rule 4731-11-04, Ohio Administrative Code, also constitutes a violation of Sections 4731.22(B)(2), (3), and (6), 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.

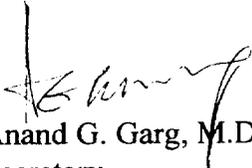
You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence 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.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.  
Secretary

AGG/dkt

CERTIFIED MAIL #Z 395 591 350  
RETURN RECEIPT REQUESTED

cc: Ronald James Rice, Esq.  
CERTIFIED MAIL #Z 395 591 351  
RETURN RECEIPT REQUESTED