

**CONSENT AGREEMENT
BETWEEN
JOHN H. GRAY, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between John H. Gray, D.O., and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Gray enters into this Consent 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.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board 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 violation of Section 4731.22(B)(2), Ohio Revised Code, “[f]ailure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;” Section 4731.22(B)(6), Ohio Revised Code, “[a] departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;” and Section 4731.22(B)(20), Ohio Revised Code, “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.”

- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Ohio Revised Code Sections 4731.22(B)(2); 4731.22(B)(6) and 4731.22(B)(20), to wit: Rule 4731-11-02, and Rule 4731-11-04, Ohio Administrative Code, as set forth in Paragraph E, below, and expressly reserves the right to institute

formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.

- C. Dr. Gray is licensed to practice osteopathic medicine and surgery in the State of Ohio, License # 34-003191.
- D. Dr. Gray states that he not licensed to practice osteopathic medicine and surgery in any other State.
- E. Dr. Gray admits that he failed to adequately document justification for prescribing Stadol to two patients, that he failed to fully comply with the requirements for authorizing and completing prescriptions, and that he failed to fully comply with the Board's administrative rules related to prescribing controlled substance anorectic drugs.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Dr. Gray knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

1. Dr. Gray shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Gray 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 this Consent Agreement becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Gray shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur on an annual basis during the month in which the Consent Agreement became effective, and/or as otherwise requested by the Board.
4. In the event that Dr. Gray should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Gray 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 this period under this Consent Agreement, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.

5. In the event Dr. Gray is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

MONITORING

Controlled Substances Log

6. Dr. Gray shall keep a log of all controlled substances prescribed, administered, or personally furnished. Such log shall be submitted, in the format approved by the Board, on a quarterly basis and Dr. Gray shall ensure that the log is received in the Board's offices no later than the due date for Dr. Gray's quarterly declaration, or as otherwise directed by the Board. Further, Dr. Gray shall make his patient records with regard to such controlled substance prescribing, administration or personal furnishing available for review by an agent of the Board upon request.

Monitoring Physician

7. Within fifteen days of the effective date of this Consent Agreement, Dr. Gray shall submit the name and curriculum vitae of a monitoring physician for written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Gray and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Gray and his medical practice, and shall review Dr. Gray's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Gray and his medical practice, and on the review of Dr. Gray's patient charts. Dr. Gray shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Gray's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Gray must immediately so notify the Board in writing. In addition, Dr. Gray shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Gray shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Required Courses

Controlled Substance Prescribing Course

8. Within six months of the effective date of this Consent Agreement, or as otherwise approved in advance by the Board, Dr. Gray 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 or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which they are completed.

Medical Records Course

9. Within six months of the effective date of this Consent Agreement, or as otherwise approved in advance by the Board, Dr. Gray shall provide acceptable documentation of successful completion of a course on maintaining adequate and appropriate medical records.. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which they are completed.

Required Reporting by Licensee

10. Within thirty days of the effective date of this Consent Agreement, Dr. Gray shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Gray shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
11. Within thirty days of the effective date of this Consent Agreement, Dr. Gray 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 any professional license. Dr. Gray 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 any professional license or for reinstatement of any professional license. Further, Dr. Gray shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Gray appears to have violated or breached any term or condition of this Consent Agreement, the Board 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 Consent Agreement.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Gray has violated any term, condition or limitation of this Consent Agreement, Dr. Gray 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 purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

Dr. Gray shall not request termination of this Consent Agreement for a minimum of two years. In addition, Dr. Gray shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Gray acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

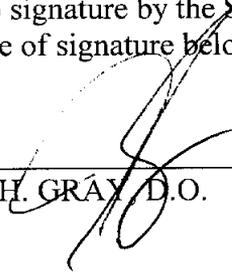
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Gray hereby releases the Board, 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, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Gray agrees to provide his social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

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.



JOHN H. GRAY, D.O.



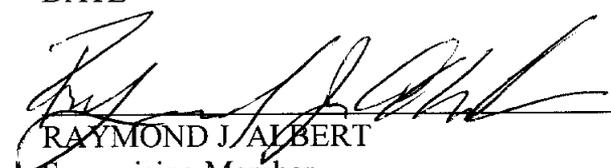
LANCE A. TALMAGE, M.D.
Secretary

DATE

8/11/03

DATE

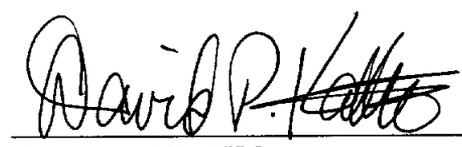
8-13-03



RAYMOND J. ALBERT
Supervising Member

DATE

8/13/03



DAVID P. KATKO
Enforcement Coordinator

DATE

08/12/03