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CONSENT AGREEMENT
BETWEEN
JOHN R. MORITZ, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO

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

JOHN R. MORITZ, D.O. 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 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 violations of Sections 4731.22(B)(10) and (B)(26) of the Ohio Revised Code.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the Notice of Immediate Suspension and Opportunity for Hearing dated July 14, 1993, a copy of which is attached hereto and incorporated herein, 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 Agreement.
- C. JOHN R. MORITZ, D.O. is licensed to practice osteopathic medicine and surgery in the State of Ohio.

- D. DOCTOR MORITZ knowingly and voluntarily ADMITS that on or about January 28, 1993, he pleaded guilty to one (1) count of Deception to Obtain a Dangerous Drug in violation of Section 2925.22 of the Ohio Revised Code, in the Summit County Court of Common Pleas in Case Number CR-92-11-2815, and was granted Treatment in Lieu of Conviction pursuant to Section 2951.041 of the Ohio Revised Code.
- E. DOCTOR MORITZ further ADMITS that the acts, conduct, and/or omissions underlying the judicial finding of eligibility for Treatment in Lieu of Conviction of a violation of Section 2925.22 of the Ohio Revised Code as mentioned in paragraph (D.) above constitutes acts that constitute a felony in this State as set forth in Section 4731.22(B)(10) of the Ohio Revised Code.
- F. DOCTOR MORITZ further ADMITS that the judicial finding of eligibility for Treatment in Lieu of Conviction of a violation of Section 2925.22 of the Ohio Revised Code as mentioned in paragraph (D.) above, and the acts, conduct, and/or omissions underlying the above-mentioned judicial finding, constitute "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4731.22(B)(26) of the Ohio Revised Code.
- G. DOCTOR MORITZ further ADMITS that he has a history of chemical dependency, and that he has undergone treatment for that dependency since July of 1992 following an intervention for falsifying prescriptions in the names of patients, friends and family in order to obtain narcotics for his personal use including Tylenol with Codeine and Vicodin.

- H. DOCTOR MORITZ has been in compliance with his court ordered period of rehabilitation including aftercare.
- I. DOCTOR MORITZ'S certificate to practice osteopathic medicine and surgery in the State of Ohio was immediately suspended pursuant to Section 3719.121(C) of the Ohio Revised Code on July 14, 1993.
- J. DOCTOR MORITZ entered into an interim CONSENT AGREEMENT with THE STATE MEDICAL BOARD OF OHIO on July 22, 1993, pursuant to the authority granted by the BOARD at its July 15, 1993, meeting. The interim CONSENT AGREEMENT stayed his immediate suspension with probationary requirements.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, JOHN R. MORITZ, D.O. knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following:

1. The suspension of DOCTOR MORITZ'S certificate to practice osteopathic medicine and surgery in the State of Ohio pursuant to Section 3719.121 of the Ohio Revised Code is terminated effective upon the ratification of this CONSENT AGREEMENT by the BOARD;
2. The CONSENT AGREEMENT entered into between DOCTOR MORITZ and the BOARD on July 22, 1993, is terminated effective upon the ratification of this CONSENT AGREEMENT by the BOARD. Records of compliance with the terms of the above-mentioned CONSENT AGREEMENT shall be retained by DOCTOR MORITZ and be made available to the BOARD at his first personal appearance for a quarterly interview before the BOARD;

3. DOCTOR MORITZ'S certificate to practice osteopathic medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions and limitations for a period of at least three (3) years:
 - a. DOCTOR MORITZ shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio, and all terms of probation imposed by the Court in criminal case number CR-92-11-2815;
 - b. DOCTOR MORITZ shall submit quarterly declarations under penalty of Falsification stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT;
 - c. DOCTOR MORITZ shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD;
 - d. In the event that DOCTOR MORITZ should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR MORITZ must notify the BOARD in writing of the dates of departure and return. Periods of time spend outside Ohio will not apply to the reduction of the probationary period under this CONSENT AGREEMENT;
 - e. In the event DOCTOR MORITZ 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 period(s) of noncompliance will not apply to the reduction of the probationary period under this CONSENT AGREEMENT;
 - f. DOCTOR MORITZ is permitted to retain his United States Drug Enforcement Administration Certificate. However, use of this Certificate shall be expressly limited to use in the hospital for duly registered Emergency Department patients or hospitalized inpatients. Further DOCTOR MORITZ shall not be permitted to personally dispense or administer any controlled substances without prior BOARD approval;

- g.** DOCTOR MORITZ shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of DOCTOR MORITZ's history of chemical dependency;
- h.** DOCTOR MORITZ shall abstain completely from the use of alcohol;
- i.** DOCTOR MORITZ shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR MORITZ shall ensure that all screening reports are forwarded directly to the BOARD on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board;

Within thirty (30) days of the effective date of this Agreement, DOCTOR MORITZ shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR MORITZ shall submit the required urine specimens. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results;

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR MORITZ must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable;

- j.** The BOARD retains the right to require, and DOCTOR MORITZ agrees to submit, blood or urine specimens for analysis upon request and without prior notice;

- k. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR MORITZ shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as AA., NA., or Caduceus, approved in advance by the BOARD specifically for DOCTOR MORITZ, no less than three (3) times per week. Substitution of any specific program must receive prior BOARD approval. At his appearances before the BOARD or its designated representative, DOCTOR MORITZ shall submit acceptable documentary evidence of continuing compliance with this program;
- l. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR MORITZ shall submit for the BOARD's prior approval the name of a monitoring physician, who shall monitor DOCTOR MORITZ and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR MORITZ 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 MORITZ must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable;
- m. DOCTOR MORITZ shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, provided, that where terms of the aftercare contract conflict with terms of this Agreement, the terms of this Agreement shall control;
- n. DOCTOR MORITZ shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the BOARD, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations; and

- o. Within thirty (30) days of the effective date of this Agreement, DOCTOR MORITZ 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 appointments.

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this Agreement shall remain in force for a minimum of three (3) years prior to any request for termination of said Agreement.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR MORITZ appears to have violated or breached any terms or conditions 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.

DOCTOR MORITZ 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 MORITZ 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.

Contract Agreement Between
John R. Moritz, D.O. and
The State Medical Board of Ohio
Page 8

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

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

John R. Moritz
JOHN R. MORITZ, D.O.

8/7/93
DATE

Carla S. O'Day, MD
CARLA S. O'DAY, M.D.
Secretary

8/12/93
DATE

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member

8/12/93
DATE

Anne C. Berry
ANNE C. BERRY, ESQ.
Assistant Attorney General

8/12/93
DATE

STATE MEDICAL BOARD OF OHIO

93 JUL 21 AM 10:46

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

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

JOHN R. MORITZ, D.O. 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 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 violations of Sections 4731.22(B)(10) and (B)(26) of the Ohio Revised Code.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(10) and (B)(26) of the Ohio Revised Code, 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 Agreement.
- C. JOHN R. MORITZ, D.O. is licensed to practice osteopathic medicine and surgery in the State of Ohio.
- D. DOCTOR MORITZ knowingly and voluntarily ADMITS that on or about January 28, 1993, he pleaded guilty to one (1) count of Deception to Obtain a Dangerous Drug in violation of Section 2925.22 of the Ohio Revised Code, in the Summit County Court of Common Pleas in Case Number CR-92-11-2815, and was granted Treatment in Lieu of Conviction pursuant to Section 2951.041 of the Ohio Revised Code.

Contract Agreement Between
John R. Moritz, D.O. and
The State Medical Board of Ohio
Page 2

- E.** DOCTOR MORITZ further ADMITS that the judicial finding of eligibility for Treatment in Lieu of Conviction of a violation of Section 2925.22 of the Ohio Revised Code as mentioned in paragraph (D.) above, and the acts, conduct, and/or omissions underlying the above-mentioned judicial finding, constitute a felony in this State, as set forth in Section 4731.22(B)(10) of the Ohio Revised Code.
- F.** DOCTOR MORITZ further ADMITS that the judicial finding of eligibility for Treatment in Lieu of Conviction of a violation of Section 2925.22 of the Ohio Revised Code as mentioned in paragraph (D.) above, and the acts, conduct, and/or omissions underlying the above-mentioned judicial finding, constitute "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4731.22(B)(26) of the Ohio Revised Code.
- G.** DOCTOR MORITZ further ADMITS that he has a history of chemical dependency, and that he has undergone treatment for that dependency since July of 1992 following an intervention for falsifying prescriptions in the names of patients, friends and family in order to obtain narcotics for his personal use including Tylenol with Codeine and Vicodin.
- H.** DOCTOR MORITZ has been in compliance with his court ordered period of rehabilitation including aftercare.
- I.** DOCTOR MORITZ'S certificate to practice osteopathic medicine and surgery in the State of Ohio was immediately suspended pursuant to Section 3719.121(C) of the Ohio Revised Code on July 14, 1993.
- J.** DOCTOR MORITZ UNDERSTANDS that the STATE MEDICAL BOARD expressly reserves the right to institute formal proceedings based upon any violations of Chapter 4731. of the Ohio Revised Code, whether occurring before or after the effective date of this CONSENT AGREEMENT.

STATE MEDICAL BOARD
OF OHIO

93 JUL 21 AM 10:46

Contract Agreement Between
John R. Moritz, D.O. and
The State Medical Board of Ohio
Page 3

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, JOHN R. MORITZ, D.O. knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following:

1. Pursuant to the authority granted by the BOARD at its July 15, 1993, meeting, the suspension of DOCTOR MORITZ'S certificate to practice osteopathic medicine and surgery in the State of Ohio pursuant to Section 3719.121 of the Ohio Revised Code is stayed effective upon the last date of signature below through August 12, 1993;
2. DOCTOR MORITZ'S certificate to practice osteopathic medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions and limitations:
 - a. DOCTOR MORITZ shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio, and all terms of probation imposed by the Court in criminal case number CR-92-11-2815;
 - b. DOCTOR MORITZ is permitted to retain his United States Drug Enforcement Administration Certificate. However, use of this Certificate shall be expressly limited to inpatient hospitalization use. For purposes of this CONSENT AGREEMENT, inpatient hospitalization use will not apply to patients entering the Emergency Room setting prior to hospital admittance. Further DOCTOR MORITZ shall not be permitted to personally dispense or administer any controlled substances;
 - c. DOCTOR MORITZ shall keep a log of all controlled substances prescribed for inpatient hospitalization use or legally authorized by DOCTOR MORITZ to be dispensed or administered by another for inpatient hospitalization use. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR MORITZ'S personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD;
 - d. DOCTOR MORITZ shall abstain completely from the personal use or possession of drugs, except those

93 JUL 21 AM 11:16
STATE MEDICAL BOARD
OF OHIO

Contract Agreement Between
John R. Moritz, D.O. and
The State Medical Board of Ohio
Page 4

- prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of DOCTOR MORITZ's history of chemical dependency;
- e. DOCTOR MORITZ shall abstain completely from the use of alcohol;
- f. DOCTOR MORITZ shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR MORITZ shall ensure that all screening reports are forwarded directly to the BOARD on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board;
- g. The BOARD retains the right to require, and DOCTOR MORITZ agrees to submit, blood or urine specimens for analysis upon request and without prior notice;
- h. DOCTOR MORITZ shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, approved in advance by the BOARD specifically for DOCTOR MORITZ, no less than three (3) times per week. Substitution of any specific program must receive prior BOARD approval. At his appearances before the BOARD or its designated representative, DOCTOR MORITZ shall submit acceptable documentary evidence of continuing compliance with this program;
- i. DOCTOR MORITZ shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, provided, that where terms of the aftercare contract conflict with terms of this Agreement, the terms of this Agreement shall control;
- j. DOCTOR MORITZ shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the BOARD, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations; and

STATE MEDICAL BOARD
OF OHIO
93 JUL 21 AM 10:16

Contract Agreement Between
John R. Moritz, D.O. and
The State Medical Board of Ohio
Page 5

- k. DOCTOR MORITZ 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 appointments.

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this Agreement shall remain in force through the August 12, 1993 meeting of the STATE MEDICAL BOARD OF OHIO.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR MORITZ appears to have violated or breached any terms or conditions 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.

DOCTOR MORITZ 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 MORITZ 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.

STATE MEDICAL BOARD OF OHIO
93 JUL 21 AM 10:47

Contract Agreement Between
John R. Moritz, D.O. and
The State Medical Board of Ohio
Page 6

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

John R. Moritz
JOHN R. MORITZ, D.O.

7/20/93 12 Noon
DATE

Carla S. O'Day TAD 7/22/93
cell phone
authorization
CARLA S. O'DAY, M.D.
Secretary

7/22/93
DATE

Raymond J. Albert TAD
cell phone
authorization
RAYMOND J. ALBERT
Supervising Member

7/22/93
DATE

Anne C. Berry
ANNE C. BERRY ESQ.
Assistant Attorney General

7/22/93
DATE

STATE MEDICAL BOARD
OF OHIO
93 JUL 21 AM 10:47



STATE MEDICAL BOARD OF OHIO

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

July 14, 1993

NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

John Richard Moritz, D.O.
375 Ontario Street #B
Akron, OH 44310-2362

Dear Doctor Moritz:

In accordance with Sections 2929.17 and 4731.223(B), Ohio Revised Code, the Office of the Prosecuting Attorney of Summit County, Ohio reported that on or about January 28, 1993, the Summit County Court of Common Pleas found you Eligible for Treatment in Lieu of Conviction for violations of Section 2925.22, Deception to Obtain a Dangerous Drug, pursuant to Section 2951.041 of the Ohio Revised Code.

Therefore, pursuant to Section 3719.121(C), Ohio Revised Code, you are hereby notified that your license to practice osteopathic medicine and surgery in the State of Ohio is immediately suspended. Continued practice after this suspension shall be considered practicing medicine without a certificate in violation of Section 4731.41, Ohio Revised Code.

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

- (1) On or about January 28, 1993, in the Summit County Court of Common Pleas, you pleaded guilty to one (1) felony count of Deception to Obtain a Dangerous Drug in violation of Section 2925.22 of the Ohio Revised Code, and were granted Treatment in Lieu of Conviction pursuant to Section 2951.041, Ohio Revised Code.

M. B. L. 7/15/93

July 14, 1993

Moreover, in granting your request for Treatment in Lieu of Conviction, the Court found that your "drug dependence or danger of drug dependence was a factor leading to the criminal activity with which (you were) charged, and rehabilitation through treatment would substantially reduce the likelihood of additional criminal activity."

The judicial finding of Eligibility for Treatment in Lieu of Conviction of a violation of Deception to Obtain a Dangerous Drug in violation of Section 2925.22 of the Ohio Revised Code, and the acts, conduct, and/or omissions underlying this finding as alleged in paragraph (1) above, individually and/or collectively, constitute "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

This judicial finding of Eligibility for Treatment in Lieu of Conviction of a violation of Deception to Obtain a Dangerous Drug pursuant to Section 2925.22 of the Ohio Revised Code, and the acts, conduct, and/or omissions underlying this finding as alleged in paragraph (1) above, individually and/or collectively, constitute "commission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.22, 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 medicine and surgery or to reprimand or place you on probation.