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**CONSENT AGREEMENT
BETWEEN
BOBBY CURTIS LENOX, JR., D.O.
AND
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Bobby Curtis Lenox, Jr., D.O., [Dr. Lenox], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Lenox 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)(19), Ohio Revised Code, “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills;” and/or 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.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(19) and (B)(6), Ohio Revised 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. Lenox is licensed to practice osteopathic medicine and surgery in the State of Ohio, License #34.005466.
- D. Dr. Lenox states that he is not licensed to practice osteopathic medicine and surgery in any other state or jurisdiction.

- E. Dr. Lenox admits that the Board issued a letter to him stating that it had reason to believe he was in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered him to submit to a psychiatric evaluation on or about September 8, 2007. Dr. Lenox further admits that the Board's aforementioned letter was based upon information revealing that over approximately the past two years, Dr. Lenox had missed an excessive amount of work days; that he had repeatedly failed to complete or timely complete medical dictations and to review or timely review laboratory reports for his patients; and that he had repeatedly failed to appear or timely appear for scheduled patient appointments at his private medical practice and for rounds at a nursing facility where he is responsible for patient care.

Dr. Lenox further admits that as a result of said Board-ordered psychiatric evaluation, Mark S. Fettman, M.D., a physician approved by the Board for the purpose of conducting a psychiatric evaluation of Dr. Lenox, opined with a reasonable degree of medical certainty that Dr. Lenox suffers from a mental disorder or other psychopathology, specifically, that Dr. Lenox has the diagnoses of adjustment disorder with anxiety and depression, and a history of major depression. Dr. Lenox admits that Dr. Fettman further opined that Dr. Lenox's condition is amenable to treatment, and that he is capable of practicing osteopathic medicine and surgery according to acceptable and prevailing standards of care subject to certain conditions, including that Dr. Lenox receives at least monthly psychiatric management and weekly individual psychotherapy; that Dr. Lenox limit his work hours to no more than six hours per day; and that Dr. Lenox's practice is strictly monitored to ensure he is appropriately completing medical dictations and reviewing all laboratory reports related to the delivery of patient care.

Dr. Lenox further admits that his failure to complete or timely complete medical dictations and his failure to review or timely review laboratory reports for patients constitute violations of the minimal standard of care, as set forth in Section 4731.22(B)(6), Ohio Revised Code.

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. Lenox knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Lenox to practice osteopathic medicine and surgery in the State of Ohio shall be **SUSPENDED** for 60 days.

INTERIM MONITORING TERMS

2. During the period of time that Dr. Lenox's certificate to practice osteopathic medicine and surgery is suspended, Dr. Lenox shall comply with the following terms, conditions and limitations:
 - a. Dr. Lenox shall obey all federal, state, and local laws, and all rules governing the practice of osteopathic medicine in Ohio.
 - b. Dr. Lenox shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Lenox's psychiatric or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Lenox further agrees to provide the Board written consent permitting any provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.
 - c. Dr. Lenox 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.
 - d. Dr. Lenox 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 every three months thereafter, and/or as otherwise requested 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.

Mental Health Treatment

- e. Within thirty days of the effective date of this Consent Agreement, Dr. Lenox shall submit to the Board for its prior approval the name and qualifications of a

psychiatrist of his choice. Upon approval by the Board, Dr. Lenox shall undergo and continue psychiatric treatment, including individual psychotherapy at least 45 minutes each week for one year, after which the frequency of the psychiatric treatment is to be determined by his Board-approved treating psychiatrist or as otherwise directed by the Board. Dr. Lenox shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered. Dr. Lenox shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the Board on a quarterly basis, or as otherwise directed by the Board. The psychiatric reports shall contain information describing Dr. Lenox's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Lenox's compliance with his treatment plan; Dr. Lenox's mental status; Dr. Lenox's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Lenox shall ensure that his treating psychiatrist immediately notifies the Board of his failure to comply with his psychiatric treatment plan and/or any determination that Dr. Lenox is unable to practice due to his psychiatric disorder. It is Dr. Lenox's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Lenox's quarterly declaration.

The psychotherapy required as part of Dr. Lenox's psychiatric treatment pursuant to this paragraph may be delegated by Dr. Lenox's treating psychiatrist to an appropriately licensed mental health professional approved in advance by the Board, so long as Dr. Lenox's treating psychiatrist oversees/supervises such psychotherapy; includes information concerning Dr. Lenox's participation and progress in psychotherapy in his or her quarterly reports; and continues to meet personally with Dr. Lenox at least once each month. Should the psychotherapy required pursuant to this provision be delegated to a licensed mental health professional, Dr. Lenox shall ensure that psychotherapy reports are forwarded by his treating licensed mental health professional to the Board on a quarterly basis, or as otherwise directed by the Board. The psychotherapy reports shall contain information describing Dr. Lenox's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Lenox's compliance with his treatment plan; Dr. Lenox's mental status; Dr. Lenox's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Lenox shall ensure that his treating licensed mental health professional immediately notifies the Board of his failure to comply with his psychotherapy treatment plan and/or any determination that Dr. Lenox is unable to practice due to his psychiatric disorder. These psychotherapy reports shall be in addition to the reports submitted by Dr. Lenox's treating psychiatrist. It is Dr. Lenox's responsibility to ensure that all quarterly reports are received in the Board's offices no later than the due date for Dr. Lenox's quarterly declaration.

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

The Board retains the right to require, and Dr. Lenox agrees to submit, blood or urine specimens for analysis of therapeutic levels of medication that may be prescribed for Dr. Lenox's psychiatric disorder or for any other purpose, at Dr. Lenox's expense upon the Board's request and without prior notice. Dr. Lenox's refusal to submit a blood or urine specimen upon request of the Board shall result in a minimum of one year of actual license suspension.

Required Reporting by Licensee

- f. Within thirty days of the effective date of this Consent Agreement, Dr. Lenox 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. Lenox 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.
- g. Within thirty days of the effective date of this Consent Agreement, Dr. Lenox 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. Lenox 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. Lenox shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
- h. Dr. Lenox shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Lenox psychiatric treatment or monitoring.

PROBATIONARY TERMS

3. Upon reinstatement of Dr. Lenox's certificate to practice osteopathic medicine and surgery in the State of Ohio pursuant to this Consent Agreement, Dr. Lenox's certificate shall be subject to the following probationary terms, conditions and limitations:
 - a. Dr. Lenox shall continue to be subject to all of the terms, conditions and limitations set forth in Paragraphs 2.a. through 2.h. of this Consent Agreement.

Practice Plan and Monitoring Physician

- b. Before engaging in any medical practice, Dr. Lenox shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Lenox's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. Lenox shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. Lenox submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as Dr. Lenox and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Lenox and his medical practice, and shall review Dr. Lenox's patient charts. The chart review must 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. Lenox and his medical practice, and on the review of Dr. Lenox's patient charts. Dr. Lenox 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. Lenox's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Lenox must immediately so notify the Board in writing. In addition, Dr. Lenox 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. Lenox 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.

Work Hour Limitation

- c. Dr. Lenox shall limit his work hours to no more than six hours of work per day, until otherwise approved by the Board. Dr. Lenox shall keep a log reflecting the dates, times, and facilities and/or locations at which he works. Dr. Lenox shall submit his work log for receipt in the Board's offices no later than the due date for Dr. Lenox's quarterly declaration.

Any request by Dr. Lenox for modification of the limitation on work hours set forth in this paragraph shall be accompanied by documentation from Dr. Lenox's Board-approved treating psychiatrist, as set forth in Paragraph 2.e. herein, or another physician approved in advance by the Board, who has evaluated Dr. Lenox, indicating that such physician supports Dr. Lenox's request for modification.

- d. Dr. Lenox shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
- e. In the event Dr. Lenox 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.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Lenox 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. Lenox has violated any term, condition or limitation of this Consent Agreement, Dr. Lenox 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 2008 JAN -8 A 11: 22

Dr. Lenox shall not request termination of this Consent Agreement for a minimum of five years from the date upon which his certificate to practice osteopathic medicine and surgery is reinstated pursuant to this Consent Agreement. In addition, Dr. Lenox shall not request modification to the probationary terms, limitations, and conditions contained herein until he has completed at least one year of probation pursuant to this Consent Agreement. 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. Lenox 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. Lenox 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. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Lenox acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

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.



BOBBY CURTIS LENOX, JR., D.O.



LANCE A. TALMAGE, M.D.
Secretary

1-8-08

DATE

1-9-08

DATE



PAUL E. WAGNER, ESQ.
Attorney for Dr. Lenox

1/4/08

DATE



RAYMOND J. ALBERT
Supervising Member

1/8/08

DATE



DANIEL S. ZINSMaster, ESQ.
Enforcement Attorney

1/9/08

DATE

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