

CONSENT AGREEMENT

BETWEEN

HAROLD S. SCHIRO, M.D.

AND

THE STATE MEDICAL BOARD OF OHIO

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

HAROLD S. SCHIRO, M.D., 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:

1. HAROLD S. SCHIRO, M.D., ADMITS that in completing his renewal application card for registration of his certificate to practice medicine or surgery for the 1985-1986 biennial registration period, he did certify that he completed during the preceeding biennium the requisite hours of continuing medical education, as required by Section 4731.281, Revised Code.
2. HAROLD S. SCHIRO, M.D., ADMITS by letter received in his office on November 27, 1985, the State Medical Board instructed him to provide documentation of his continuing medical education. He was unable to document any Category I credit completed during that biennium. The Continuing Medical Education Program certified by the Ohio State Medical Association and approved by the State Medical Board of Ohio pursuant to Section 4731.281, Ohio Revised Code requires the completion of one hundred (100) hours of Continuing Medical Education, at least forty (40) hours of which shall be Category I.
3. HAROLD S. SCHIRO, M.D., ADMITS that a recent physical illness has limited his cognitive and motor skills and has rendered him permanently unable to engage in the practice of medicine or surgery.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, HAROLD S. SCHIRO, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO to the following conditions and limitations:

- A. That upon the effective date of this Agreement, HAROLD S. SCHIRO's license to practice medicine or surgery will be immediately suspended for a period of thirty (30) days.
- B. That immediately upon the reinstatement of HAROLD S. SCHIRO's license to practice medicine after the suspension referred to in the above paragraph A, HAROLD S. SCHIRO agrees to permanently refrain from the practice of medicine or surgery.
- C. HAROLD S. SCHIRO, M.D., shall immediately surrender, and shall be ineligible to hold and shall not apply for registration with the United States Drug Enforcement Administration to prescribe, dispense, or administer controlled substances.
- D. HAROLD S. SCHIRO, M.D., shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
- E. HAROLD S. SCHIRO, M.D., agrees not to request modification of this agreement and agrees never to ask the Board for the privilege of engaging in the practice of medicine.
- F. If HAROLD S. SCHIRO, M.D., satisfies the conditions contained in the above paragraphs A through E, he shall be allowed to maintain his wall certificate.

If, in the discretion of the Secretary of THE STATE MEDICAL BOARD OF OHIO, HAROLD S. SCHIRO, M.D., 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.

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.

It is AGREED and UNDERSTOOD by and between both parties that this CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

HAROLD S. SCHIRO, M.D., hereby releases THE STATE MEDICAL BOARD, its members, employees, agents and officers, individually and collectively, jointly and severally, from any and all liability arising from the within matter.

FOR APPLICANT

FOR THE STATE MEDICAL BOARD

Harold S. Schiro M.D.

Henry G. Cramblett M.D.

HAROLD S. SCHIRO, M.D.
LICENSEE

HENRY G. CRAMBLETT, M.D.
SECRETARY

9-8-87

Sept 9, 1987

DATE

DATE

J. C. Rubenstein

William W. Johnston

JACK C. RUBENSTEIN, ESQ.
ATTORNEY FOR HAROLD S. SCHIRO

WILLIAM W. JOHNSTON, ESQ.
SUPERVISING MEMBER

9-8-87

9 Sept 1987

DATE

DATE

Christopher J. Costantini

CHRISTOPHER J. COSTANTINI
ASSISTANT ATTORNEY GENERAL

9-9-87

DATE

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

January 15, 1987

Harold S. Schiro, M.D.
880 Rue Dela Pix
Cincinnati, OH 45220

Dear Doctor Schiro:

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. In completing your renewal application card for registration of your certificate to practice medicine and surgery for the 1985-1986 biennial registration period, you did certify that you completed during the last biennium the requisite hours of continuing medical education, as required by Section 4731.281, Revised Code.
2. By letter received in your office on November 27, 1985, the State Medical Board instructed you to provide documentation of your continuing medical education. You were unable to document any Category I credit completed by you during that biennium. The Continuing Medical Education Program certified by the Ohio State Medical Association and approved by the State Medical Board of Ohio pursuant to Section 4731.281, Ohio Revised Code, a copy of which program is attached hereto and incorporated by reference herein, requires the completion of one hundred (100) hours of Continuing Medical Education, at least forty (40) hours of which shall be Category I.

Your failure to complete the requisite Continuing Medical Education, as alleged in the above Paragraph (2), constitutes a violation of Section 4731.281, Ohio Revised Code.

January 15, 1987

Further, such failure to obtain the requisite Continuing Medical Education constitutes "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provisions of (Chapter 4731., Ohio Revised Code) or any rule promulgated by the Board", as that clause is used in Section 4731.22(B)(16), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code, and Rule 4731-10-03, Ohio Administrative Code.

Further, your acts in certifying to the State Medical Board that you had completed the statutorily required continuing medical education, as set forth in the above Paragraph (1), when you had not, in fact, done so, constitutes "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.

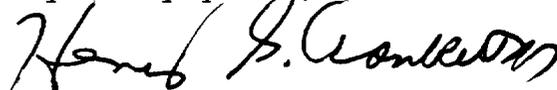
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, that request must be made within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or 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 made 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.

Copies of Sections 4731.22 and 4731.281, Ohio Revised Code, and Rule 4731-10-03, Ohio Administrative Code, are enclosed for your information and review.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures:

CERTIFIED MAIL #P 569 161
RETURN RECEIPT REQUESTED