

**CONSENT AGREEMENT
BETWEEN
CHARLES D. EVANS, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

CHARLES D. EVANS, 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:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(19), 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 impairment of ability to practice according to acceptable and prevailing standards of care by reason of mental or physical illness, including but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.
- B. THE STATE MEDICAL BOARD OF OHIO is empowered by Sections 4731.22(A) and 4731.22(B)(5), Ohio Revised Code, to revoke or refuse to grant a certificate, or 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 committing fraud, misrepresentation or deception in applying for or securing any license or certificate issued by the Board, or for publishing a false, fraudulent, deceptive, or misleading statement.
- C. 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(B)(19), 4731.22(A) and 4731.22(B)(5), 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.
- D. CHARLES D. EVANS, M.D. is licensed to practice medicine and surgery in the State of Ohio.
- E. DOCTOR EVANS' license to practice medicine and surgery in the State of Ohio was automatically suspended on January 1, 1991 by operation of Section 4731.281, Ohio Revised Code.
- F. On March 1, 1990, DR. EVANS' then legal representative, Thomas Mark Beetham, Esq., informed this MEDICAL BOARD that DOCTOR EVANS was in poor health and unable to tend to patients and that DOCTOR EVANS' condition was of a chronic nature.

- G. CHARLES D. EVANS, M.D., ADMITS each and every factual allegation contained in the Notice of Opportunity for Hearing dated December 5, 1990, a copy of which is attached hereto and incorporated herein.

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

1. THE STATE MEDICAL BOARD shall not consider reinstatement of DR. EVANS' certificate to practice medicine and surgery unless and until all of the following requirements are met:
 - a. DR. EVANS shall provide an application for reinstatement, accompanied by all appropriate fees;
 - b. DR. EVANS shall provide documentation acceptable to the BOARD of satisfactory completion of twenty (20) hours of Category I and thirty (30) hours of Category II Continuing Medical Education. These hours of Continuing Medical Education shall not count toward fulfillment of the Continuing Medical Education requirement of Section 4731.281, Ohio Revised Code, for the 1991-1992 biennium or any succeeding biennium.
2. Upon reinstatement, DR. EVANS' certificate to practice medicine and surgery shall be subject to the following terms, conditions, and limitations:
 - a. DR. EVANS' certificate to practice shall be permanently limited to administrative medicine, namely, the position of County Coroner of Harrison County, Ohio and the position of member of the Board of Health of Harrison County, Ohio;
 - b. DR. EVANS shall not exam, evaluate, diagnose, or treat patients or issue prescriptions for patients, or otherwise practice clinical medicine in any way;
 - c. DR. EVANS shall immediately surrender his United States Drug Enforcement Administration Certificate. He shall be ineligible to hold, and shall not apply for, registration with D.E.A. to prescribe, dispense or administer controlled substances without prior BOARD approval.
 - d. Within thirty (30) days after the end of each of the next three (3) biennial registration periods following the reinstatement of his certificate, DR. EVANS shall submit documentation acceptable to the Board of satisfactory completion of the requisite hours of Continuing Medical Education.

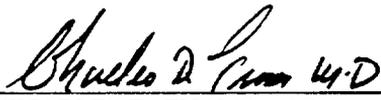
The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. If, in the discretion of the Secretary of THE STATE MEDICAL BOARD OF OHIO, DOCTOR EVANS appears to have violated or breached any term or condition of this Agreement, 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.

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 EVANS 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.

DOCTORS EVANS 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, and shall become effective upon the last date of signature below.


CHARLES D. EVANS, M.D.

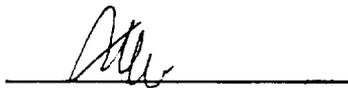
2/28/91
DATE


THOMAS M. BEETHAM, ESQ.

3/21/91
DATE


HENRY G. CRAMBLETT, M.D.
Secretary

3/22/91
DATE


TIMOTHY S. JOST, ESQ.
Supervising Member

3/22/91
DATE


JOHN C. DOWLING, ESQ.
Assistant Attorney General

3/22/91
DATE

STATE OF OHIO
STATE MEDICAL BOARD
77 South High Street
17th Floor
Columbus, Ohio 43266-0315
(614) 466-3934

December 5, 1990

Charles D. Evans, M.D.
159 South Main Street
Cadiz, OH 43907

Dear Doctor Evans:

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 applying for registration of your certificate to practice medicine or surgery for the 1987-1988 registration period, you certified that you had completed the requisite hours of Continuing Medical Education (CME), as required by Section 4731.281, Ohio Revised Code.
- (2) By letter dated July 22, 1987, and sent certified mail, you were notified by the State Medical Board that you were required to complete a log listing your CME for the 1985-1986 registration period, and to provide documentation that you actually completed at least forty (40) hours of Category I CME credits. By letters dated April 4, 1988 and June 22, 1988 you were notified that your responses or lack thereof had failed to document CME completed during the 1985-1986 registration period. On July 5, 1988 the Board received a letter, signed by you, indicating that you were unable to provide CME documentation for the 1985-1986 registration period.

Such acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "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.

Further, such acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Mailed 12/6/90

December 5, 1990

(3) In applying for registration of your certificate to practice medicine or surgery for the 1989-1990 registration period, you certified that you had completed the requisite hours of CME as required by Section 4731.281, Ohio Revised Code. In fact you failed to complete the requisite CME credits for the 1987-1988 registration period.

Such acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute "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.

Further, such acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), 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.

December 5, 1990

Copies of the applicable sections are enclosed for your information.

Very truly yours,


Henry G. Cramblett, M.D.
Secretary

HGC:jmb
Enclosures:

CERTIFIED MAIL #P 569 363 860
RETURN RECEIPT REQUESTED

cc: Thomas Mark Beetham, Esq.

CERTIFIED MAIL NO. P 290 319 297
RETURN RECEIPT REQUESTED