

**CONSENT AGREEMENT
BETWEEN
JOHN D. TIDYMAN, JR., M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

THIS CONSENT AGREEMENT is entered into by and between JOHN D. TIDYMAN, JR., M.D. (hereinafter "DOCTOR TIDYMAN"), and THE STATE MEDICAL BOARD OF OHIO (hereinafter "BOARD"), a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

DOCTOR TIDYMAN 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.

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)(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 "inability 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."
- B. The BOARD enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(B)(19), 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. On or about April 13, 1990, DOCTOR TIDYMAN was notified by the BOARD that his license to practice medicine and surgery in this State was automatically suspended when he was adjudged mentally ill by the Franklin County Probate Court on or about March 14, 1990.

- D. On or about August 9, 1990, the BOARD reviewed DOCTOR TIDYMAN's request for reinstatement under the provisions of Section 4731.221, Ohio Revised Code, and noted that DOCTOR TIDYMAN had not been discharged as having a restoration to competency in the manner and form provided in Section 5122.38 of the Revised Code.
- E. On or about October 10, 1990, the BOARD sent DOCTOR TIDYMAN a letter notifying him of an opportunity for hearing pursuant to Chapter 119. of the Ohio Revised Code and alleging that DOCTOR TIDYMAN was in violation of Section 4731.22(B)(19) of the Ohio Revised Code, a copy of which is attached hereto and incorporated herein.
- F. Since on or about September 10, 1990, DOCTOR TIDYMAN has been seeing a psychiatrist on a regular basis for Lithium therapy.
- G. On or about November 7, 1990, DOCTOR TIDYMAN was psychiatrically evaluated again by Howard H. Sokolov, M.D., pursuant to BOARD request.
- H. Until the suspension of DOCTOR TIDYMAN's license, he was a sole-practitioner with a general, family practice in Danville, Knox County, Ohio. He was the only physician in the Village of Danville. During the period of DOCTOR TIDYMAN's above-described illness, the practice has remained viable only through the use of a one day per week fill-in physician and disability insurance benefits covering payments on the medical equipment. Through this CONSENT AGREEMENT, DOCTOR TIDYMAN desires to keep his practice open and to continue to provide medical services to this under-served area.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, the BOARD and DOCTOR TIDYMAN knowingly and voluntarily agree to the following probationary terms, conditions and limitations:

1. The BOARD shall reinstate DOCTOR TIDYMAN's license to practice medicine and surgery in the State of Ohio only upon approval by the BOARD of the following plan of practice detailing DOCTOR TIDYMAN's proposed medical practice in the State

of Ohio. DOCTOR TIDYMAN's practice of medicine and surgery in the State of Ohio shall be limited by the following conditions:

- a. DOCTOR TIDYMAN shall not engage in the practice of medicine within any nursing home or similar facility.
- b. DOCTOR TIDYMAN's private practice of medicine shall be monitored by James M. Carhart, M.D., of Mt. Vernon, Knox County, Ohio. The monitoring of DOCTOR TIDYMAN's practice shall include daily review of all applicable charts by Dr. Carhart and weekly meetings between DOCTOR TIDYMAN and Dr. Carhart. Three (3) patient records shall be pulled on a daily basis and such records shall be reviewed by Dr. Carhart at least three times per week. Applicable charts shall include primarily those of patients whose medications of long standing are being changed or discontinued and patients for whom long-term administration of pharmaceutical agents are initiated. Other applicable charts may include those of patients who are being treated for depression.

Dr. Carhart shall immediately report to the Board any unusual occurrences, any deviation from acceptable and prevailing standards of care, or any possible return of DOCTOR TIDYMAN's symptoms. Dr. Carhart shall provide the BOARD with reports on a quarterly basis concerning DOCTOR TIDYMAN's progress and status. In the event that Dr. Carhart becomes unable or unwilling to serve in this capacity, DOCTOR TIDYMAN shall immediately so notify the BOARD in writing and make arrangements acceptable to the BOARD for another physician to monitor his progress and status before he resumes his practice.

- c. DOCTOR TIDYMAN shall also be monitored by the Physician's Effectiveness Committee of the Ohio State Medical Association through Tracy Schermer, M.D., of Knox County, Ohio. Dr. Schermer shall conduct periodic, random calls upon DOCTOR TIDYMAN for the purpose of

evaluating his progress and status. Dr. Schermer shall randomly review on a periodic basis the daily charts of DOCTOR TIDYMAN to ensure that the monitoring physician is receiving the appropriate charts as specified in paragraph (b.) above. Dr. Schermer shall immediately report to the Board any unusual occurrences or any possible return of DOCTOR TIDYMAN's symptoms.

- d. The BOARD retains the right to review the daily charts of DOCTOR TIDYMAN to ensure that the monitoring physician is receiving the appropriate charts as specified in paragraph (b.) above.

In evaluating DOCTOR TIDYMAN's proposed plan of practice, the BOARD shall further have access to and shall review the medical reports of Howard H. Sokolov, M.D., and any other medical reports detailing DOCTOR TIDYMAN's physical and/or psychiatric history and present condition. Any such medical reports shall, however, remain confidential pursuant to Section 4731.22(C), Ohio Revised Code.

2. DOCTOR TIDYMAN shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
3. DOCTOR TIDYMAN shall submit monthly declarations under penalty of perjury stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT;
4. DOCTOR TIDYMAN shall appear in person for interviews before the full BOARD or its designated representative at three month intervals, or as otherwise directed by the BOARD;
5. In the event that DOCTOR TIDYMAN should leave Ohio for three continuous months, or reside or practice outside the State, DOCTOR TIDYMAN 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 the CONSENT AGREEMENT;
6. DOCTOR TIDYMAN 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;

7. DOCTOR TIDYMAN shall not prescribe, administer, dispense, order, give verbal orders for, or possess, except as allowed under paragraph 8, any controlled substance as defined by State or Federal law;
8. DOCTOR TIDYMAN shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of DOCTOR TIDYMAN's medical history;
9. DOCTOR TIDYMAN shall abstain completely from the use of alcohol;
10. DOCTOR TIDYMAN shall submit to random serum Lithium level determinations on a weekly basis or as otherwise directed by the BOARD. DOCTOR TIDYMAN is to ensure that all screening reports are forwarded directly to the BOARD on a monthly basis.

DOCTOR TIDYMAN shall submit the required blood samples to his testing psychiatrist, C. Frank Csetri, M.D. Dr. Csetri shall ensure that the blood 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, Dr. Csetri shall immediately inform the BOARD of any result demonstrating non-therapeutic Lithium levels.

Dr. Csetri shall monitor DOCTOR TIDYMAN and provide the BOARD with reports on the doctor's progress and status.

In the event that Dr. Csetri becomes unable or unwilling to so serve, DOCTOR TIDYMAN must immediately notify the BOARD, by phone and in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable;

11. The BOARD retains the right to require, and DOCTOR TIDYMAN agrees to submit, blood or urine

specimens for analysis upon request and without prior notice;

12. DOCTOR TIDYMAN shall undergo and continue psychiatric treatment with C. Frank Csetri, M.D., at least two (2) times a month or as otherwise directed by the BOARD. DOCTOR TIDYMAN shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the BOARD on a monthly basis, or as otherwise directed by the BOARD;
13. DOCTOR TIDYMAN shall provide all employers and the Chief of Staff or his equivalent at each hospital or other health care facility where he has, applies for, or obtains privileges with a copy of this CONSENT AGREEMENT.

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 CONSENT AGREEMENT shall remain in force for a minimum of three (3) years prior to any request for termination of said CONSENT AGREEMENT.

If, in the discretion of the Secretary of the BOARD, DOCTOR TIDYMAN 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.

DOCTOR TIDYMAN 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.

DOCTOR TIDYMAN 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 shall become effective upon the last date of signature below.

John D. Tidyman Jr. M.D.
JOHN D. TIDYMAN, JR. M.D.

Henry G. Cramblett M.D.
HENRY G. CRAMBLETT, M.D.
Secretary

1/3/91
DATE

January 4, 1991
DATE

Robert B. Weston M.D.
ROBERT B. WESTON, ESQ.
Attorney for John D. Tidyman,
Jr., M.D.

Timothy S. Jost
TIMOTHY S. JOST, ESQ.
Supervising Member

1/3/91
DATE

1/10/91
DATE

John C. Dowling
JOHN C. DOWLING, ESQ.
Assistant Attorney General

1/10/91
DATE

09385



STATE MEDICAL BOARD OF OHIO

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

October 10, 1990

John D. Tidyman, Jr., M.D.
12 East Main Street
Danville, OH 43014

Dear Doctor Tidyman:

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 April 13, 1990 you were notified by the State Medical Board of Ohio that your license to practice medicine and surgery in this State was automatically suspended when you were adjudged mentally ill by the Franklin County Probate Court on or about March 14, 1990.
- (2) On or about August 6, 1990, the State Medical Board of Ohio notified you that you might be in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered that you undergo a psychiatric examination.

This determination was based upon one or more of the following reasons:

- (a) You were hospitalized in Riverside Hospital from on or about December 19, 1988 to December 31, 1988 for depression. Your discharged diagnosis was "Bipolar Affective Disorder."
- (b) You were hospitalized in Riverside Hospital from on or about January 17, 1990 to March 17, 1990 with a diagnosis of "Bipolar Affective Disorder, Manic Type."
- (c) You were hospitalized in Central Ohio Psychiatric Hospital from on or about March 7, 1990 to on or about July 9, 1990 with a diagnosis of "Bipolar Disorder, Manic."



STATE MEDICAL BOARD OF OHIO

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

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October 10, 1990

- (3) On or about August 9, 1990 the State Medical Board of Ohio reviewed your request for reinstatement under the provisions of Section 4731.221, Ohio Revised Code, and noted that you had not been discharged as having a restoration to competency in the manner and form provided in Section 5122.38 of the Revised Code.
- (4) On or about August 9, 1990 and August 14, 1990 you reported to Howard H. Sokolov, M.D. for purposes of psychiatric examination.
- (5) Doctor Sokolov's forensic conclusion following examination was that you exhibited symptoms of grandiose delusional thinking which were directly connected with your professional practice of medicine.
- (6) You are unable to practice according to acceptable and prevailing standards of care by reason of mental illness. Evidence suggesting your inability to practice includes information, impressions and diagnoses formulated pursuant to examination ordered by the State Medical Board of Ohio.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (6) above, individually and/or collectively, constitute "inability 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," as that clause is used in Section 4731.22(B)(19), 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.



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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.

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 569 363 840
RETURN RECEIPT REQUESTED

cc: Robert Weston, Esq.

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

STATE OF OHIO
THE STATE MEDICAL BOARD
77 South High Street
17th Floor
Columbus, Ohio 43266-0315

(614)466-3934

April 13, 1990

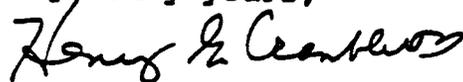
John D. Tidyman, Jr., M.D.
Central Ohio Psychiatric Hospital
1960 West Broad Street
Columbus, Ohio 43223

Dear Doctor Tidyman:

In accordance with Section 4731.221 of the Ohio Revised Code, because of your being adjudged mentally ill by the Probate Division of the Franklin County Court of Common Pleas, your certificate to practice medicine and surgery is automatically suspended.

This suspension shall remain in effect until you are able to file with the State Medical Board a certified copy of an adjudication by a probate court of your subsequent restoration to competency.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:jmd

CERTIFIED MAIL RECEIPT NO. P 055 327 449
RETURN RECEIPT REQUESTED

John D. Tidyman, Jr., M.D.
12 East Main St.,
Danville, OH 43014

CERTIFIED MAIL NO. P 746 514 608
RETURN RECEIPT REQUESTED

IN THE MATTER OF

John Tidyman
alleged to be Mentally Ill

CASE NO. M-7742

AMENDED

AMENDED

AMENDED

JOURNAL ENTRY
(ORDER OF HOSPITALIZATION NOT TO EXCEED NINETY DAYS)

This day this cause came on further to be heard upon the evidence presented and the Court being satisfied that said John Tidyman is mentally ill and subject to hospitalization; that he has a legal settlement in Knox County; that he is likely to injure himself or others if allowed to remain at liberty; and that he is a suitable person for hospitalization not to exceed ninety (90) days ~~at~~ Licking/Knox ^{MH Board} Cty. - Placement at Central Ohio Psychiatric Hosp. the least restrictive alternative available and consistent with treatment goals.
(insert name of hospital, agency or individual)

The Court further finds that notice of hearing has been served on or waived by all persons entitled to receive notice.

IT IS ORDERED that the above-mentioned person be hospitalized for a period not to exceed ninety (90) days in Central Ohio Psychiatric Hospital permission of said Central Ohio Psychiatric Hospital ^(Agency or individual) having first been obtained by the Court, and that copies, under seal, of the findings in this case be transmitted to the Head of the Hospital.

IT IS FURTHER ORDERED that the aforesaid person be placed in the custody of Licking/Knox Cty. MH Board, pending his removal on this order to Central Ohio Psychiatric Hospital.

The Court further finds that the respondent has been informed that he can request an attorney at any time in the future and that immediately upon his request the Court will appoint an attorney for him.

The Court, therefore, orders that the Court appointed attorney be relieved of all further responsibility in this matter.

FILED
MAR 14 1955
RICHARD B. METCALF
PROBATE JUDGE

Richard B. Metcalf
REFEREE - PROBATE JUDGE