

**CONSENT AGREEMENT
BETWEEN
DAVID EDWIN ERIKSEN, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between David E. Eriksen, M.D., and the State Medical Board of Ohio [the Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Eriksen 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 R.C. 4731.22(B) 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 any of the enumerated violations.
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the allegations set forth in the Notice of Opportunity for Hearing issued on February 11, 2004, attached hereto as Exhibit A and incorporated herein by this reference. The Board 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. Dr. Eriksen is licensed to practice medicine and surgery in the State of Ohio, License No. 35-02822. Dr. Eriksen states that he holds no other licenses to practice medicine and surgery.
- D. Dr. Eriksen admits that in completing his application card for renewal of his certificate to practice medicine or surgery for the January 2, 2003 – January 1, 2005 period, he certified that he had completed during the preceding period the requisite hours of continuing medical education, as required by Section 4731.281, Ohio Revised Code.
- E. Dr. Eriksen admits that, in fact, at the time of the audit he had documentation for only 4.0 hours of the required 40 hours of Category I CME during the applicable time period of October 2, 2000 to October 1, 2002. Dr. Eriksen further admits that, by signing his renewal application card and attesting that he had completed the requisite

40 hours of Category I CME when in fact he had only completed 4.0 hours, he engaged in an act of misrepresentation in violation of R.C. 4731.22(A) and R.C. 4731.22(B)(5); said misrepresentation also violated R.C. 4731.22(B)(20), operating in conjunction with R.C. 4731.281, O.A.C. 4731-10-03 and/or O.A.C. 4731-10-08.

Dr. Eriksen states, and the Board acknowledges receipt of acceptable documentation showing that he has now, in fact, completed 36.0 Category I CME credits during the 2003 - 2005 CME period to be credited towards his 36.0 credit deficiency in the 2000 - 2002 CME period. The Board agrees that Dr. Eriksen has now satisfied his CME requirements for the 2000 - 2002 CME period.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, Dr. Eriksen knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

REPRIMAND

1. Dr. Eriksen shall be and hereby is REPRIMANDED.

FINE

2. Dr. Eriksen will pay a fine to the Board in the amount of five thousand dollars (\$5,000.00) within thirty (30) days of the effective date of this Consent Agreement.

DOCUMENTATION OF CME

3. Dr. Eriksen shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for the CME period of January 2, 2003 through January 1, 2005. These CME hours will be in addition to the 36.0 hours that Dr. Eriksen completed during this CME period that have been credited to the 2000 - 2002 CME period. Moreover, Dr. Eriksen shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for two additional CME periods thereafter. This documentation shall be due in the Board's offices within thirty days of the conclusion of each CME period, unless otherwise determined by the Board.

REQUIRED REPORTING BY LICENSEE

4. Within thirty days of the effective date of this Consent Agreement, or as otherwise determined by the Board, Dr. Eriksen 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. Eriksen 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, for a period of one year from the effective date of this Consent Agreement.

5. Within thirty days of the effective date of this Consent Agreement, or as otherwise determined by the Board, Dr. Eriksen 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. Eriksen shall also provide a copy of this Consent Agreement by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for an professional license or reinstatement or restoration of any professional license, for a period of one year from the effective date of this Consent Agreement. Further, Dr. Eriksen shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Eriksen 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.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Eriksen 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. Eriksen 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. Eriksen 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.



DAVID E. ERIKSEN, M.D.



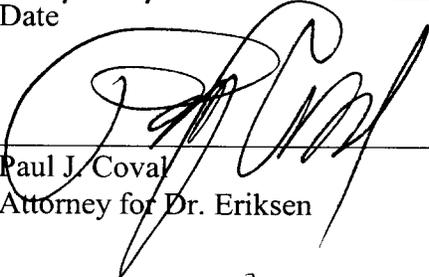
Lance A. Talmage, M.D.
Secretary

6/12/04

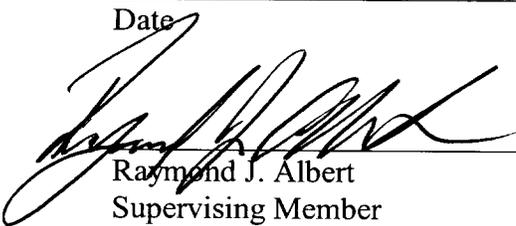
Date

7-15-04

Date



Paul J. Coval
Attorney for Dr. Eriksen



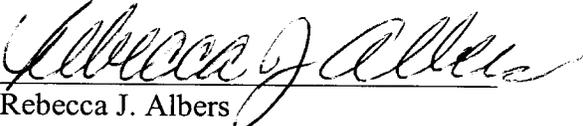
Raymond J. Albert
Supervising Member

6-20-04

Date

7/15/04

Date



Rebecca J. Albers
Senior Assistant Attorney General

7/15/04

Date

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street • Post Office Box 1008 • Columbus, Ohio 43216-1008 • Telephone (614) 464-6400 • Facsimile (614) 464-6350 • Cable VORYSATER

Paul J. Coval
Direct Dial (614) 464-5635
Facsimile (614) 719-4674
E-Mail - pjcoval@vssp.com

July 15, 2004

HAND DELIVERY

State Medical Board of Ohio
77 South High Street
17th Floor
Columbus, OH 43266-0315

STATE MEDICAL BOARD
OF OHIO
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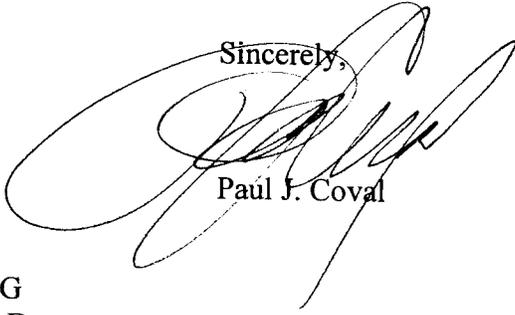
Re: David E. Eriksen, M.D.

Dear Board Members:

We are writing to correct the license number for Dr. Eriksen that appears in the Consent Agreement between Dr. Eriksen and the State Medical Board of Ohio, adopted by the Board on July 14, 2004. Paragraph C of that Agreement reflects that Dr. Eriksen's license number is 35-02822, when in fact it is 35-028222. Please note this on your records and append a copy of this letter to the Consent Agreement to reflect the correct license number for Dr. Eriksen.

Thank you for your cooperation in this matter. If you have any questions, please contact me.

Sincerely,


Paul J. Coval

PJC/jmp

cc: Rebecca Albers, AAG
David E. Eriksen, M.D.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

February 11, 2004

David Edwin Eriksen, M.D.
4254 River Road
Toledo, OH 43614

Dear Doctor Eriksen:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to fine, 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 and surgery for the January 2, 2003 – January 1, 2005 period, you certified that you had completed or would complete during the 2000 – 2002 period (October 2, 2000 – October 1, 2002) the requisite hours of Continuing Medical Education [CME] as required by Section 4731.281, Ohio Revised Code.
- (2) By a certified mail letter dated on August 21, 2003, the Board informed you that you were required to complete and submit a log demonstrating that you had completed at least one hundred hours of CME during the 2000 – 2002 period and to provide documentation that you had actually completed at least forty hours of Category I CME credits. By certified mail letter dated September 29, 2003, the Board again requested that you submit documentation of your CME credits for the 2000 – 2002 period. On October 3, 2003, the Board received acceptable documentation of 4.0 Category I credits. By certified mail letter dated October 7, 2003, the Board requested that you submit acceptable documentation of the additional required Category I credits. You failed to submit documentation of any further Category I credits.

Your acts, conduct and/or omissions in certifying to the Board that you had completed the statutorily required CME, as set forth in the above paragraph (1), when you had not, in fact, done so, constitute “fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of

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registration issued by the board,” as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct and/or omissions in certifying to the Board that you had completed the statutorily required CME, as set forth in the above paragraph (1), when you had not, in fact, done so, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your failure to respond to the audit notices, to obtain the requisite CME, and/or to submit documentation of same, as alleged in the above paragraph (2) constitutes “violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code, and Rules 4731-10-03 and 4731-10-08, Ohio Administrative Code, as in effect prior to February 28, 2003.

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 days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, 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.

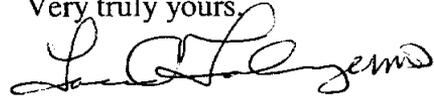
In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to fine, reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

David Edwin Eriksen, M.D.
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Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", written in a cursive style.

Lance A. Talmage, M.D.
Secretary

Enclosures

CERTIFIED MAIL #7000 0600 0024 5146 5585
RETURN RECEIPT REQUESTED