STATE OF OHIO
THE STATE MEDICAL BOARD

VOLUNTARY SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

I, J. Antonio Aldrete, M.D., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, J. Antonio Aldrete, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35-028690, to the State Medical Board of Ohio, thereby relinquishing all rights to practice medicine and surgery in Ohio. This surrender shall be effective upon acceptance of this Surrender of Certificate to Practice Medicine and Surgery by the Secretary and Supervising Member of the State Medical Board of Ohio.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-028690, or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, on or after the date of signing this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

This Surrender of Certificate to Practice Medicine and Surgery supersedes, and serves as a resolution of all obligations arising from, the Consent Agreement Between Jorge Antonio Aldrete, M.D. and the State Medical Board of Ohio, effective November 11, 2001, a copy of which is attached hereto and incorporated herein.

I, J. Antonio Aldrete, M.D., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies.

I, J. Antonio Aldrete, M.D., agree to provide my social security number to the Board and hereby authorize the Board to utilize that number in conjunction with that reporting.

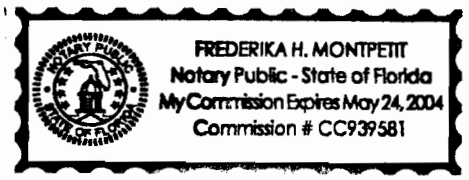
Signed this 4th day of Nov. 2002.

Signature of Physician

Witness

Witness

Sworn to and subscribed before me this 4th day of Nov. 2002.



Notary Public

SEAL **(This form must be either witnessed OR notarized)**

Accepted by the State Medical Board of Ohio:

ANAND G. GARG, M.D.
SECRETARY

RAYMOND J. ALBERT
SUPERVISING MEMBER

DATE 11/12/02

DATE 11/12/02

Enclosure

CONSENT AGREEMENT
BETWEEN
JORGE ANTONIO ALDRETE, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

This Consent Agreement is entered into by and between Jorge Antonio Aldrete, M.D., ("Dr. Aldrete") and the State Medical Board of Ohio ("Board"), a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Aldrete 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 any of the enumerated violations.

B. The Board enters into this Consent Agreement in lieu of further formal proceedings based upon the violations of Section 4731.22, Ohio Revised Code, set forth in the Notice of Opportunity for Hearing issued by the Board on September 12, 2001, attached hereto as Exhibit A and incorporated herein by this reference. The Board expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4731 of the Ohio Revised Code whether occurring before or after the effective date of this Consent Agreement.

C. Dr. Aldrete's license to practice medicine and surgery in the State of Ohio, License # 28690, is currently inactive, having lapsed due to non-renewal on December 31, 1990. Dr. Aldrete filed a restoration application with the Board, received on March 5, 2001, which is currently pending.

D. Dr. Aldrete states that he is also licensed to practice medicine and surgery in the states of Alabama (License # 9932), Colorado (License # 15215), Illinois (License # 036-74774), Kentucky (License # 16084), Florida (License # 15595), and Tennessee (License # MD 9297).

E. Dr. Aldrete admits the factual and legal allegations set forth in the Notice of Opportunity for Hearing issued by the Board on September 12, 2001, attached hereto as Exhibit A and incorporated herein by reference. Dr. Aldrete admits that he did not complete the application correctly. Dr. Aldrete states that he acted under the belief that he was only required to list investigations, charges, and lawsuits where a finding of liability was imposed, but not where the matter was dismissed or found to be without merit. Dr. Aldrete states that he did not intend to mislead or deceive the Board. Further, Dr. Aldrete admits that he was investigated in Alabama concerning his methods of filling out prescription forms.

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

SUSPENSION OF CERTIFICATE

I. The Application of Dr. Aldrete to restore his certificate to practice medicine and surgery in the State of Ohio shall be granted. However, Dr. Aldrete's certificate to practice medicine and surgery shall be immediately suspended for a definite period of ninety (90) days. Said restoration and suspension shall become effective immediately upon the effective date of this Consent Agreement.

PROBATIONARY CONDITIONS

II. Upon reinstatement, Dr. Aldrete's certificate shall be subject to the following probationary terms, conditions, and limitations for a minimum period of two (2) years:

1. Dr. Aldrete shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.

2. Dr. Aldrete, within one (1) year of the effective date of this consent agreement, shall provide acceptable documentation of successful completion of a course dealing with personal ethics. The exact number of hours and the specific content of the course shall be subject to the prior approval of the Board or its designee. Any course taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for re-licensure for the biennial registration period in which it is completed.

3. Dr. Aldrete, within one (1) year of the effective date of this consent agreement, shall provide acceptable documentation of successful completion of a course dealing with prescribing. The exact number of hours and the specific content

of the course shall be subject to the prior approval of the Board or its designee. Any course taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for re-licensure for the biennial registration period in which it is completed.

4. Dr. Aldrete shall appear in person before the Board or its designated representative during the sixth month following the effective date of the Consent Agreement. Subsequent personal appearances must occur every six (6) 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.

5. In the event that Dr. Aldrete should leave Ohio for three (3) continuous months, or reside or practice outside the State, Dr. Aldrete 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, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.

6. In the event Dr. Aldrete 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.

REQUIRED REPORTING BY LICENSEE

III. Within thirty days of the effective date of this Consent Agreement, Dr. Aldrete 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. Aldrete shall provide a copy of this Consent Agreement to all employers or entities with which, upon moving to Ohio, he plans to contract to provide health care services, to apply for or to receive training, and to the Chief of Staff at each hospital where he plans to apply for or obtain privileges or appointments.

IV. Within thirty days of the effective date of this Consent Agreement, Dr. Aldrete 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. Aldrete 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. Aldrete shall provide the 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. Aldrete 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. Aldrete has violated any term, condition or limitation of this Consent Agreement, Dr. Aldrete 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

Dr. Aldrete shall not request termination of this consent agreement for at least two (2) years from the date of reinstatement. Dr. Aldrete shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one (1) year from the date of reinstatement. 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. Aldrete 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. Aldrete 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 may be reported to appropriate organizations, data banks, and

governmental bodies. Dr. Aldrete agrees to provide his social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

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.

Jorge Antonio Aldrete, M.D.

Date: 11-7-01

Seth Wolf, Esq.
Attorney for Dr. Aldrete

Date: 11/7/01

Anand G. Garg, M.D.
Secretary

Date: 11/8/01

Raymond J. Albert
Supervising Member

Date: 11/9/01

Mark A. Michael
Asst Attorney General

Date: 11/8/01

State Medical Board of Ohio

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

September 12, 2001

Jorge Antonio Aldrete, M.D.
350 Blue Mountain Beach Rd
Santa Rosa Beach, FL 32459

Dear Doctor Aldrete:

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, permanently 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 March 5, 2001, you submitted an application for restoration of your license to practice medicine and surgery (hereinafter "Application") to the State Medical Board of Ohio (hereinafter "Board"). The Application is currently pending.

(2) Further, the Affidavit and Release of Applicant Section of your Application contained the following instructions for you to follow in applying for restoration of your license:

> I will immediately notify the State Medical Board of Ohio in writing of any changes to the answers to any of the questions contained in the ADDITIONAL INFORMATION section of the restoration application if such change in an answer is warranted at any time prior to licensure being granted to me by the State Medical Board of Ohio[.]

(3) In the "Additional Information" Section of the above Application you answered "NO" to the following question:

3. Have you ever resigned from, withdrawn from, or terminated, or have you ever been requested to resign from, withdraw from, or otherwise been terminated from, a position with a medical partnership, professional association, corporation, health maintenance organization, or other medical practice organization, either private or public?

Mailed 9.13.01

In fact, on or about March 31, 1989, you resigned from the position of chairman of the Department of Anesthesiology at Cook County Hospital.

(4) In the "Additional Information" Section of the above Application you answered "NO" to the following question:

12. Have you ever been notified of any investigation concerning you by any board, bureau, department, agency, or other body, including those in Ohio, with respect to a professional license?

Although you notified the Board in your Application that you were investigated by the Illinois Department of Professional Regulation in 1989, complaint number 88-MD-036-00574, and Florida Agency for Health Care Administration in 1995, complaint number 95-12491 (or number 1995-12491), you failed to notify the Board until you were specifically asked by Board staff of the following investigations:

a. the Alabama State Board of Medical Examiners in June 2001;
b. the Florida Agency for Health Care Administration in September 1999, complaint number 1999-58907;
c. the Florida Agency for Health Care Administration in February 1995, complaint number 95-01604; and
d. the Florida Agency for Health Care Administration in October 1990, case number 90-011307.

(5) In the "Additional Information" Section of the above Application you answered "YES" to the following question:

13. Have you ever been notified of any charges, allegations, or complaints filed against you with, any board, bureau, department, agency, or other body, including those in Ohio, with respect to a professional license?

Although you notified the Board in your Application that complaints were filed against you with the Illinois Department of Professional Regulation in 1989, complaint number 88-MD-036-00574, and the Florida Agency for Health Care Administration in 1995, complaint number 95-12491 (or number 1995-12491), you failed to notify the Board until you were specifically asked by Board staff of the following complaints:

(a) the Alabama State Board Of Medical Examiners in June 2001;
(b) the Florida Agency for Health Care Administration in September 1999, complaint number 1999-58907;
(c) the Florida Agency for Health Care Administration in February 1995, complaint number 95-01604; and

(d) the Florida Agency for Health Care Administration in October 1990, case number 90-011307.

(6) In the "Additional Information" section of the above Application you answered "YES" to the following question:

17. Have you ever been a defendant in a legal action involving professional liability (malpractice), or had a professional liability claim paid on your behalf, or paid such a claim yourself? If yes, include the case name, case number, court and address, date filed, and a summary of the underlying events. Indicate current status, including amount of settlement or judgment, if any. In addition, ask your malpractice insurance carrier(s) to provide a complete claims history report for the last 10 years to the State Medical Board of Ohio. If your current carrier has provided coverage for less than 10 years, ask your previous carrier to submit a claims history report to the Board.

Although you notified the Board in your Application as to a single malpractice action, which was settled for $500,000.00 in March 2000, you failed to notify the Board until you were specifically asked by Board staff of the following malpractice actions:

(a) Farrell v. Aldrete, a 1999 Florida action;
(b) Hamm v. Aldrete, a 1992 Florida action;
(c) Anonymous 250 women and 266 Children v. Cook County Hospital, et al, an Illinois class action;
(d) Blanchard v. Cook County Hospital, et al, a 1991 Illinois action; and
(e) Afzal v. Cook County Hospital, et al, a 1988 Illinois action.

Your acts, conduct, and/or omissions as alleged in paragraphs (3) through (6) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of 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 as alleged in paragraphs (3) through (6) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," 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.

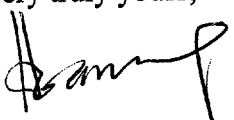
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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 (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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, 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."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.
Secretary

AGG/bjs
Enclosures

CERTIFIED MAIL #7000 0600 0024 5147 0749
RETURN RECEIPT REQUESTED

cc: Seth Wolf, Esq.

CERTIFIED MAIL #7000 0600 0024 5147 0732
RETURN RECEIPT REQUESTED