

**CONSENT AGREEMENT
BETWEEN
JEFFREY C. CHEN, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Chen 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)(5), 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 “[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.”
- B. The Board is also empowered by Section 4731.22(B)(20), 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 “violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation or, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.”
- C. Additionally, the Board is empowered by Section 4731.281(E), Ohio Revised Code to impose a civil penalty of not more than five thousand dollars on an individual whom the Board finds did not complete the requisite Continuing Medical Education [CME] during the applicable time period.
- D. Dr. Chen is licensed to practice medicine and surgery in the State of Ohio, License # 35-033137.
- E. Dr. Chen states that he is not licensed to practice medicine and surgery in any other jurisdiction.
- F. On or about May 14, 2008, the Board issued to Dr. Chen a Notice of Opportunity for Hearing [May 2008 Notice], a copy of which is attached hereto and fully incorporated herein.

- G. Dr. Chen admits to the factual and legal allegations as set forth in the May 2008 Notice.
- H. Dr. Chen states, and the Board acknowledges receipt of acceptable documentation to support, that he has completed 40 hours of Category I CME for the 2005-2007 reporting period, of which at least 6.25 hours were Category I CME obtained during the current 2007-2009 CME period, which will be applied towards his Category I CME credit hour deficiency in the 2005-2007 period. The Board agrees that Dr. Chen has now satisfied his CME requirement for the 2005-2007 CME period.

AGREED CONDITIONS

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

Reprimand

- 1. Dr. Chen shall be and is hereby **REPRIMANDED**.

Fine

- 2. Dr. Chen shall pay a fine of one thousand dollars to the Board within thirty days of the effective date of this Consent Agreement.

Documentation of CME

- 3. Dr. Chen shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME hours for the January 2, 2007 through January 1, 2009 CME period. These CME hours will be in addition to the hours that Dr. Chen completed after January 2, 2007, that have been credited to the 2005—2007 CME period. Moreover, Dr. Chen shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME hours for the two CME periods that correspond with Dr. Chen's next two periods of active licensure thereafter. This documentation must be received 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, Dr. Chen shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training, and the Chief of Staff at each hospital

where he has privileges or appointments. Further, Dr. Chen shall promptly 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. In the event that Dr. Chen provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Chen shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Chen shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed. This requirement shall continue for two years from the effective date of this Consent Agreement.

5. Within thirty days of the effective date of this Consent Agreement, Dr. Chen shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Chen further agrees to provide a copy of this Consent Agreement 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. Chen shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed. This requirement shall continue for two years from the effective date of this Consent Agreement.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Chen 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. Chen 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. Chen 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.

Jeffrey C. Chen, M.D.
JEFFREY C. CHEN, M.D.
Sept. 24, 2008
DATE

Lance A. Talmage, M.D.
LANCE A. TALMAGE, M.D.
Secretary
10-8-08
DATE

Raymond Albert
RAYMOND ALBERT
Supervising Member
10/08/08
DATE

Barbara Pfeiffer
BARBARA PFEIFFER
Assistant Attorney General
10/08/08
DATE

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

May 14, 2008

Case number: 08-CRF-060

Jeffrey C. Chen, M.D.
19811 La Mar Drive
Cupertino, CA 95014

Dear Doctor Chen:

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 reprimand you or place you on probation for one or more of the following reasons:

- (1) In your renewal application for the biennial registration of your certificate to practice medicine and surgery for the April 2, 2007 – April 1, 2009 period, you certified that you had completed the requisite number of hours of Continuing Medical Education [CME] during the 2005 – 2007 CME period (January 2, 2005 – January 1, 2007) as required by Section 4731.281, Ohio Revised Code.
- (2) By letter dated November 1, 2007 sent certified mail, 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 2005 - 2007 CME period and to provide documentation that you had actually completed at least forty hours of Category 1 CME credits.

By letter dated November 30, 2007 sent certified mail, the Board granted your request for an extension of time to file documentation of your CME until January 18, 2008.

To date, you have provided verification of 33.75 Category 1 CME credits. Despite your certification that you had completed your CME requirements, you have failed to provide evidence to establish that you completed forty hours of Category 1 CME credits.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) 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.

Mailed 5-15-08

Jeffrey C. Chen, M.D.

Page 2

Further, your failure to obtain the requisite CME, and/or to submit documentation of same, as alleged in paragraph (2) above, individually and/or collectively, constitute "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 4731-10-02 and 4731-10-08, Ohio Administrative 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 days of the time of mailing of this notice.

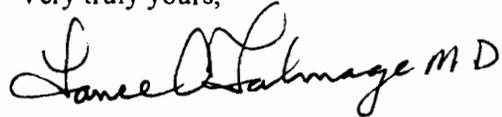
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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 reprimand you 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."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink that reads "Lance A. Talmage M.D." The signature is written in a cursive style.

Lance A. Talmage, M.D.
Secretary

LAT/LLS/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3690 6217
RETURN RECEIPT REQUESTED

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

May 14, 2008

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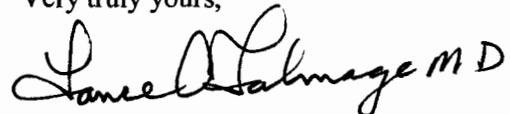
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Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/LLS/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3690 6217
RETURN RECEIPT REQUESTED

10/02/08

barb's -

big -
Dr. Chen is out of the
country - have's a copy?
the in volume -
the in CA come -
signed Barb P



...八辛公亮基金會和信治癌中心醫院
KOO FOUNDATION SUN YAT-SEN CANCER CENTER



Barbara Pfeiffer
Assistant Attorney General
Ohio Attorney General's Office
Health and Human Services
30 East Broad Str. PAR 1001
26 th Floor

Columbus, Ohio 43215
4321533400 P008
U.S.A.

HEALTH & HUMAN SERVICES SECTION
REGISTERED MAIL
掛號



陳哲雄醫師
Jeffrey C. Chen, M.D.

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125 Lih-Der Road, Pei-Tou District, Taipei 11259, Taiwan
TEL: 886-2-2897-0011

(0030/0807)5CC區(2:0002)