CONSENT AGREEMENT
BETWEEN
NIBAR K. SARKAR, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

On April 10, 2002, the State Medical Board of Ohio ("Board") issued a Notice of Opportunity for Hearing to Nibar K. Sarkar, M.D. ("Dr. Sarkar"), notifying him of the Board's intent to determine whether to limit, revoke, permanently revoke, suspend, refuse to register or reinstate the certificate of Dr. Sarkar to practice medicine and surgery in Ohio. The Notice of Opportunity for Hearing was based on a violation of R.C. 4731.22(B)(22), due to an order by the Kentucky State Board of Medical Licensure suspending Dr. Sarkar's license to practice in Kentucky for failing to provide verification of completion of that state's Continuing Medical Education ("CME") requirements.

Dr. Sarkar STATES and the Board ACKNOWLEDGES that Dr. Sarkar subsequently satisfied the terms of the Kentucky Order and that his Kentucky license was restored; and that he has provided the Board with documentation that he is also in compliance with Ohio CME requirements.

Wherefore, in lieu of further formal proceedings, the Notice of Opportunity for Hearing issued on April 10, 2002, is DISMISSED with prejudice to further action based upon the matters contained within that notice.

Further, Dr. Sarkar, with the intention of binding himself and his successors in interest and assigns, AGREES to hold harmless from liability and forever discharges the State of Ohio, the Board, and any of their members, officers, attorneys, agents, and/or employees, personally or in their official capacities, from any and all claims that were raised or could have been raised in or relating to the Notice of Opportunity for Hearing, including, but not limited to, costs, expenses, attorney fees and/or damages.

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. Sarkar agrees to provide his social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting. The Board hereby acknowledges that this Consent Agreement does not meet the criteria for reporting to the NPDB or the HIPDB.

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.

Nibar K. Sarkar
NIBAR K. SARKAR, M.D.

6-6-02
DATE

JAMES M. MCGOVERN
Attorney for Dr. Sarkar

6/24/01
DATE

ANAND G. GARG, M.D.
Secretary

7/10/02
DATE

RAYMOND J. ALBERT
Supervising Member

7/10/02
DATE

MARK A. MICHAEL
Assistant Attorney General

7-11-02
DATE

State Medical Board of Ohio

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

April 10, 2002

Nibar K. Sarkar, M.D.
5340 Cloverleaf Lane
Cincinnati, Ohio 45239

Dear Doctor Sarkar:

In accordance with R. C. Chapter 119., 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 November 22, 2000, the Kentucky State Board of Medical Licensure (hereinafter the "Kentucky Board") filed an Order Suspending License Pursuant to 201 KAR 9:310. The Kentucky Board found that, after a six (6) month extension of time, you did not provide verification of completion of the minimum Continuing Medical Education requirements for the preceding three (3) year period.

Concluding that your license was still in noncompliance, after the six (6) month extension was granted, the Kentucky Board ordered that your Kentucky license be suspended immediately and remain suspended until submission of verifiable evidence of completion of the above requirements.

The Kentucky Board Findings and Conclusions are more fully set forth in the above Order, a copy of which is attached hereto and incorporated herein.

The Kentucky Board Order Suspending License Pursuant to 201 KAR 9:310, as alleged in paragraph one (1) above, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in R.C. 4731.22(B)(22), as in effect prior to April 10, 2001.

Pursuant to R.C. Chapter 119., 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.

Mailed 4-11-02

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, R.C. 4731.22(L), 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/jag
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5139 9835
RETURN RECEIPT REQUESTED

4021 Harrison Avenue
Cincinnati, Ohio 45211

CERTIFIED MAIL # 7000 0600 0024 5139 9828
RETURN RECEIPT REQUESTED

FILED OF RECORD
NOV 22 2000
K.B.M.L.

COMMONWEALTH OF KENTUCKY
STATE BOARD OF MEDICAL LICENSURE
CASE NO. CME100

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY NIBAR K. SARKAR, M.D., LICENSE NO. 18195, 5340 CLOVER LEAF LN., CINCINNATI, OH 45239

ORDER SUSPENDING LICENSE
PURSUANT TO 201 KAR 9:310

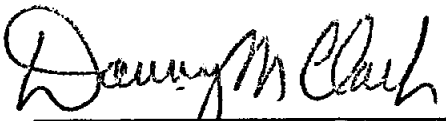
The Kentucky Board of Medical Licensure is charged with the enforcement of 201 KAR 9:310. That regulation requires licensees to complete a minimum of sixty (60) hours of continuing medical education (CME) every three years. The regulation specifies that licensees must provide verification of their successful completion of the CME requirement on or before April 1, 2000; however, the regulation provides for a six-month extension, upon request, to complete the minimum CME requirement. Section 1(5) of the regulation provides, in part,

> After the six (6) month period of time, should the licensee still be in noncompliance, his license shall be immediately suspended until such time as verifiable evidence is submitted indicating completion of the continuing education requirements.

This licensee requested and obtained a six (6) month extension of time in which to complete the minimum CME requirement for the preceding three year period. Having reviewed its records, the Board FINDS that, although the six month extension period has expired, the licensee has still not provided verification of completion of the minimum CME requirements. The Board CONCLUDES that the licensee is still in noncompliance, after the six (6) month extension granted. Accordingly, pursuant to 201 KAR 9:310, the Board ORDERS that the license to practice medicine in the Commonwealth of Kentucky

held by Nibar K. Sarkar, M.D., is SUSPENDED IMMEDIATELY and SHALL REMAIN SUSPENDED until such time as the licensee submits verifiable evidence indicating completion of the CME requirements.

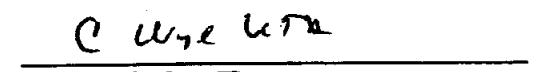
SO ORDERED this 22nd day of November, 2000.



DANNY M. CLARK, M.D.
PRESIDENT

Certificate of Service

I certify that the original of this Order was delivered to C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, and a copy was mailed, by certified mail return-receipt requested, to Nibar K. Sarkar, M.D., 5340 Clover Leaf Ln., Cincinnati, OH 45239 on this 22nd day of November 2000.



C. Lloyd Vest II
General Counsel
310 Whittington Parkway, Suite 1B
Kentucky Board of Medical Licensure
Louisville, Kentucky 40222
(502) 429-8046