

**CONSENT AGREEMENT  
BETWEEN  
ENRIQUE N. KAUFMAN, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between ENRIQUE N. KAUFMAN, M.D., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

ENRIQUE N. KAUFMAN, M.D., voluntarily 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 contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this CONSENT AGREEMENT.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO 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 STATE MEDICAL BOARD OF OHIO 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 October 9, 1996, 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.

**CONSENT AGREEMENT**  
**ENRIQUE N. KAUFMAN, M.D.**  
Page 2

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- C. ENRIQUE N. KAUFMAN, M.D., ADMITS the factual allegations set forth in the Notice of Opportunity for Hearing issued by the BOARD on October 9, 1996, attached hereto as Exhibit A and incorporated herein by reference. He further admits that such acts constitute a violation of R.C. 4731.22(B)(5) and (B)(8).

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, ENRIQUE N. KAUFMAN, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

- I. The certificate of ENRIQUE N. KAUFMAN, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than two (2) years.
- II. ENRIQUE N. KAUFMAN, M.D., shall, within one (1) year of the effective date of this CONSENT AGREEMENT, make restitution to the Ohio Department of Mental Health in the amount of twelve thousand dollars (\$12,000.00).
- III. The STATE MEDICAL BOARD shall not consider reinstatement of the certificate of ENRIQUE N. KAUFMAN, M.D., to practice medicine and surgery in the State of Ohio unless and until all of the following minimum requirements are met:
  - a. ENRIQUE N. KAUFMAN, M.D., shall submit an application for reinstatement, accompanied by appropriate fees;
  - b. In the event ENRIQUE N. KAUFMAN, M.D., has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the BOARD may exercise its discretion under Section 4731.222, Ohio Revised Code, to require evidence of ENRIQUE N. KAUFMAN, M.D.'s fitness to resume practice;
  - c. ENRIQUE N. KAUFMAN, M.D., shall take and pass the SPEX examination or similar written examination

**CONSENT AGREEMENT**  
**ENRIQUE N. KAUFMAN, M.D.**  
**Page 3**

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- which the BOARD may deem appropriate to assess ENRIQUE N. KAUFMAN, M.D.'s, clinical competency.
- d. ENRIQUE N. KAUFMAN, M.D., shall provide acceptable documentation of successful completion of forty (40) hours of continuing medical education courses dealing with personal and professional ethics, such courses to be approved in advance by the BOARD. These forty (40) hours are in addition to the one hundred (100) hours of continuing medical education required for re-licensing pursuant to R.C. 4731.281.
- IV. Upon reinstatement, the certificate of ENRIQUE N. KAUFMAN, M.D., to practice medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three (3) years:
- a. ENRIQUE N. KAUFMAN, M.D., shall obey all federal, state, and local laws and all rules governing the practice of medicine in Ohio;
  - b. ENRIQUE N. KAUFMAN, M.D., shall submit a quarterly report to the BOARD listing all employment related to his medical practice. The BOARD may, at its discretion, review documents, including, but not limited to, time sheets, appointment books, patient records and billing records related to his medical practice.
  - c. ENRIQUE N. KAUFMAN, M.D., shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT. The first quarterly declaration must be received in the BOARD's offices on the first day of the third month following the month in which the CONSENT AGREEMENT becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the

BOARD's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the BOARD's offices on or before the first day of every third month;

- d. ENRIQUE N. KAUFMAN, M.D., shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed 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. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.). Although the BOARD will normally give ENRIQUE N. KAUFMAN, M.D., written notification of scheduled appearances, it is ENRIQUE N. KAUFMAN, M.D.'s responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, ENRIQUE N. KAUFMAN, M.D., shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

- e. In the event that ENRIQUE N. KAUFMAN, M.D., should leave Ohio for three consecutive months or reside or practice outside the state, ENRIQUE N. KAUFMAN, M.D., 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 probationary period unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed;

**CONSENT AGREEMENT**  
**ENRIQUE N. KAUFMAN, M.D.**  
**Page 5**

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- f. In the event ENRIQUE N. KAUFMAN, M.D., 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 periods of noncompliance will not apply to the reduction of the probationary period under this CONSENT AGREEMENT.
  
- V. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, ENRIQUE N. KAUFMAN, M.D., shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where he has, applies for, or obtains privileges or appointment. Further, ENRIQUE N. KAUFMAN, M.D., shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
  
- VI. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, ENRIQUE N. KAUFMAN, M.D., 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 a license to practice. ENRIQUE N. KAUFMAN, M.D., 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 licensure or reinstatement of licensure. Further, ENRIQUE N. KAUFMAN, M.D., shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.
  
- VII. Upon successful completion of probation as evidenced by a written release from the BOARD, the certificate of ENRIQUE N. KAUFMAN, M.D., to practice medicine and surgery in the State of Ohio shall be fully restored.

This CONSENT AGREEMENT shall remain in force for a minimum of three (3) years following reinstatement of the certificate of ENRIQUE N. KAUFMAN, M.D., to practice medicine and surgery in the State of Ohio prior to any request for termination of said

**CONSENT AGREEMENT**  
**ENRIQUE N. KAUFMAN, M.D.**  
Page 6

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CONSENT AGREEMENT. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, ENRIQUE N. KAUFMAN, M.D., appears to have violated or breached any terms or conditions of this CONSENT AGREEMENT, THE STATE MEDICAL BOARD OF OHIO 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.

ENRIQUE N. KAUFMAN, M.D., 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.

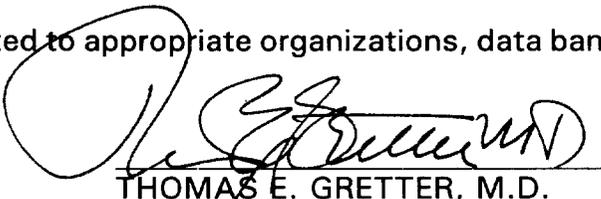
ENRIQUE N. KAUFMAN, M.D., hereby releases the STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. 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 sixty (60) days from the last date of signature below. In the sixty (60) day interim, ENRIQUE N. KAUFMAN, M.D., shall not undertake the care of any patient not already in his care.

Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

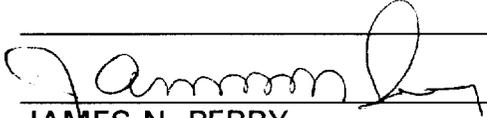
  
ENRIQUE N. KAUFMAN, M.D.

2/7/97  
DATE

  
THOMAS E. GRETTER, M.D.  
Secretary

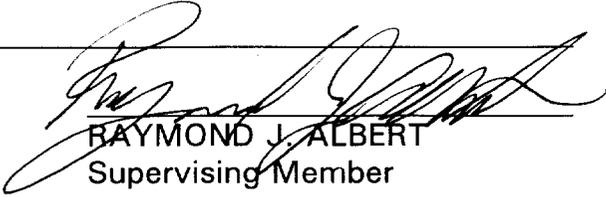
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**CONSENT AGREEMENT**  
**ENRIQUE N. KAUFMAN, M.D.**  
Page 7

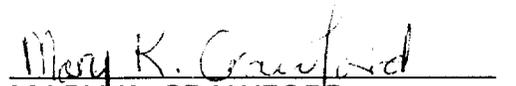
  
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JAMES N. PERRY  
Attorney for Enrique N. Kaufman, M.D.

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FEB 7 1997  
DATE

  
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RAYMOND J. ALBERT  
Supervising Member

2/12/97  
DATE

  
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MARY K. CRAWFORD  
Assistant Attorney General  
Attorney for State Medical Board

2-13-97  
DATE



# STATE MEDICAL BOARD OF OHIO

1896 - 1996 Celebrating One Hundred Years

October 9, 1996

**Charles D. Stienecker, M.D.**  
President  
Wapakoneta, Ohio

**Nora M. Noble**  
Vice-President  
Newark, Ohio

**Thomas E. Gretter, M.D.**  
Secretary  
Cleveland, Ohio

**Raymond J. Albert**  
Supervising Member  
Amanda, Ohio

**Ronald C. Agresta, M.D.**  
Board Member  
Steubenville, Ohio

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Board Member  
Westerville, Ohio

**Carol L. Egner, M.D.**  
Board Member  
Cincinnati, Ohio

**Anand G. Garg, M.D., Ph.D.**  
Board Member  
Boardman, Ohio

**Robert S. Heidt, Sr., M.D.**  
Board Member  
Cincinnati, Ohio

**Bradley K. Sinnott, Esq.**  
Board Member  
Columbus, Ohio

**Anita M. Steinbergh, D.O.**  
Board Member  
Westerville, Ohio

Enrique N. Kaufman, M.D.  
2825 Burnet Ave., Suite 426  
Cincinnati, OH 45219

Dear Doctor Kaufman:

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) During the period beginning no later than May 1991 and continuing through at least December 1992 you were employed as a psychiatrist on a contract basis by the Pauline Warfield Lewis Center (hereinafter, "Lewis Center"), a mental health facility located in Cincinnati, Ohio. During this same period, you conducted a psychiatric practice from your private office, also located in Cincinnati, Ohio.
- (2) During the time period described in the above paragraph (1) you obtained payments on your contracts with the Lewis Center by periodically signing and submitting Contract Payment documents, listing, *inter alia*, dates worked; the time in, time out, and total hours worked on each date; the pay rate; total daily pay; and total amount due. You were paid by the Lewis Center pursuant to the Contract Payment documents submitted.
- (3) During the time period of May 1991 through December 1991, and including the month of December of 1992, you routinely signed and submitted Contract Payment documents, as described in paragraph (2) above, reporting hours during which you were actually seeing patients in your private office or were otherwise engaged in activities outside the scope of your employment with the Lewis Center.

Your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute "publishing a false, fraudulent,

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October 9, 1996

Enrique N. Kaufman, M.D.  
Page 2

deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute "(t)he obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice," as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute "(c)ommission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: theft, in violation of Section 2913.02, Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute "(c)ommission of an act that constitutes a misdemeanor in this state regardless of the jurisdiction in which the act was committed, if the act was committed in the course of practice," as that clause is used in Section 4731.22(B)(12), Ohio Revised Code, to wit: tampering with records, in violation of Section 2913.42, 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.

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

October 9, 1996

Enrique N. Kaufman, M.D.

Page 3

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,

A handwritten signature in black ink, appearing to read "T. E. Gretter M.D.", written in a cursive style.

Thomas E. Gretter, M.D.

Secretary

TEG/jag

Enclosures:

CERTIFIED MAIL #P 152 982 542  
RETURN RECEIPT REQUESTED