

**CONSENT AGREEMENT
BETWEEN
HYUN Y. PARK, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

HYUN Y. PARK, M.D. voluntarily enters into this 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, as set forth in the Notices of Opportunity for Hearing issued by the BOARD on February 14, 1996 and March 13, 1996, attached hereto as Exhibits A and B 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 AGREEMENT.
- C. HYUN Y. PARK, M.D. is licensed to practice medicine and surgery in the State of Ohio.
- D. HYUN Y. PARK, M.D. ADMITS the factual and legal allegations set forth in the Notices of Opportunity for Hearing issued by the BOARD on February 14 and March 13, 1996, attached hereto as Exhibits A and B, and incorporated herein by reference, except that DOCTOR PARK DENIES that his acts and omissions as enumerated therein were done deliberately or with fraudulent intent.

- E. HYUN Y. PARK, M.D. STATES that he voluntarily ceased the practice of medicine on February 14, 1996, and has refrained from the practice of medicine from that date through and including the effective date of this AGREEMENT.

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

1. The certificate of DOCTOR PARK to practice medicine and surgery in the State of Ohio is hereby SUSPENDED for an indefinite period of time, but not less than thirty (30) days, such time to be calculated from February 14, 1996, since which time Dr. Park has voluntarily refrained from practicing medicine.
2. The State Medical Board shall not consider reinstatement of DOCTOR PARK's certificate to practice unless and until all of the following minimum requirements are met:
 - a. DOCTOR PARK shall submit an application for reinstatement, accompanied by appropriate fees.
 - b. DOCTOR PARK shall provide acceptable documentation of successful completion of a course dealing with professional ethics, such course to be approved in advance by the BOARD or its designee, and shall be in addition to the regular Continuing Medical Education requirements for relicensure under Section 4731.281, Ohio Revised Code.
 - c. DOCTOR PARK shall submit to the BOARD and receive its approval for a plan of practice in Ohio which shall be limited to a supervised structured environment in which DOCTOR PARK's activities will be directly monitored, supervised and overseen by another physician approved in advance by the BOARD. Under the terms of the practice plan, the approved monitoring physician shall review DOCTOR PARK's patient charts and shall submit a written report of such review to the BOARD on a quarterly basis. Such chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the BOARD. The practice plan shall further

provide that the monitoring physician shall otherwise monitor DOCTOR PARK and provide the BOARD with quarterly reports on the doctor's progress and status. Further, under the terms of the practice plan, it shall be DOCTOR PARK's responsibility to ensure that the monitoring physician's quarterly reports are submitted to the BOARD on a timely basis. The practice plan shall further provide that in the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR PARK must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as possible. The practice plan shall also provide that DOCTOR PARK shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore. The practice plan shall further provide that DOCTOR PARK shall refrain from practicing unless and until such monitoring is in place, unless otherwise agreed by the BOARD.

- d. In the event that DOCTOR PARK 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 additional evidence of DOCTOR PARK's fitness to resume practice.
3. Upon reinstatement, DOCTOR PARK's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of three (3) years:
 - a. DOCTOR PARK shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
 - b. DOCTOR PARK 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 this 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;

- c. DOCTOR PARK 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 DOCTOR PARK written notification of scheduled appearances, it is DOCTOR PARK'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, DOCTOR PARK shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance.

- d. In the event that DOCTOR PARK should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR PARK 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.

- e. In the event DOCTOR PARK is found by the Secretary of the BOARD to have failed to comply with any provision of this 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.
- f. DOCTOR PARK shall obtain the BOARD's prior approval for any alteration to the practice plan which was approved by the BOARD under paragraph 2.c. above prior to the reinstatement of DOCTOR PARK's certificate.
- g. Within thirty (30) days of the effective date of this AGREEMENT, DOCTOR PARK 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 privileges or appointments. Further, DOCTOR PARK 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.
- h. Within thirty (30) days of the effective date of this AGREEMENT, DOCTOR PARK 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. DOCTOR PARK 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, DOCTOR PARK shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

- i. DOCTOR PARK agrees that if any declaration or report required by this AGREEMENT is not received in the BOARD's offices on or before its due date, DOCTOR PARK shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

The above described terms, limitations and conditions may be amended or terminated in writing only upon the agreement of both parties.

Upon successful completion of probation, DOCTOR PARK's certificate will be restored, but shall thereafter be permanently LIMITED AND RESTRICTED to practice in a supervised, structured environment in which DOCTOR PARK's activities will be directly monitored, supervised and overseen by another physician, except that the monitoring physician will not be required to submit any reports to the BOARD.

If, in the discretion of the Secretary and Supervising Member of THE BOARD, DOCTOR PARK appears to have violated or breached any term or condition of this 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 Agreement.

If the Secretary and Supervising Member of the BOARD determine that there is clear and convincing evidence that DOCTOR PARK has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR PARK 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 the purposes of initiating a summary suspension pursuant to Section 4731.22(D), Ohio Revised Code.

DOCTOR PARK acknowledges that he has had an opportunity to ask questions concerning the terms of this 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.

Hyun Y. Park, M.D.
Consent Agreement
page -7-

DOCTOR PARK 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.

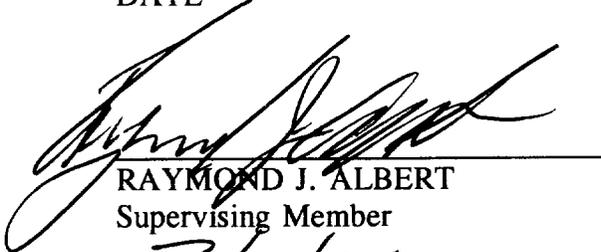
This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

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


HYUN Y. PARK, M.D.
June 13 '96
DATE


THOMAS E. GRETTER, M.D.
Secretary
7/10/96
DATE


JULIE A. CALLSEN
Attorney for Dr. Park
6/13/96
DATE


RAYMOND J. ALBERT
Supervising Member
7/10/96
DATE


ANNE BERRY STRAIT
Assistant Attorney General
7/10/96
DATE



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614)466-3934

March 13, 1996

Hyun Young Park, M.D.
38080 Berkeley Lane
Moreland Hills, OH 44022

Dear Doctor Park:

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) On or about December 20, 1986, you signed the Medical/Dental Staff Application for Saint Thomas Hospital Medical Center representing that all information submitted by you in the application was true to your best knowledge and belief. Under the Professional Sanctions section, in response to the question, "Have your privileges at any hospital ever been suspended, revoked or not renewed?" you answered, "No."

In fact, on or about July 23, 1986, the Hospital Authority of Liberty County in Hinesville, Georgia, unanimously voted to revoke all of your privileges at Liberty Memorial Hospital.

- 2) On or about July 16, 1987, you signed the Parma Community General Hospital Application for Appointment to the Medical Staff verifying that the information contained in the application was true and accurate to the best of your knowledge and belief. Under the Personal Record section, in response to the question, "A. Have you ever lost medical staff membership or privileges at another hospital?" you left the question blank and failed to detail the specifics of any loss of privileges.

In fact, on or about July 23, 1986, the Hospital Authority of Liberty County unanimously voted to revoke all of your privileges at Liberty Memorial Hospital.

- 3) On or about January 23, 1991, you signed the Lakewood Hospital Application for Appointment to the Medical Staff certifying that the information contained in the application was true and accurate. Under the Professional Sanctions and Professional Liability section, in response to the question, "1. Has your license to practice medicine in any jurisdiction ever been limited, suspended or revoked?" you responded, "No."

Mailed 3/14/96

March 13, 1996

In fact, you agreed on or about January 11, 1990, in a Consent Order with the Composite State Board of Medical Examiners for the State of Georgia (the "Georgia Board"), to place your license to practice medicine in the State of Georgia ("Georgia license") on inactive status, which precluded you from practicing medicine in the State of Georgia while your license was on inactive status, and you also agreed not to be able to petition for active licensure status during the 1990-1991 renewal period for your Georgia license.

- 4) On or about January 14, 1993, you signed the Medical Professional Liability Application for Physician's Insurance Company of Ohio representing that the statements and answers made were true. In response to question 14 c), "Have you ever voluntarily surrendered or had a state license to practice medicine refused, suspended or revoked?" you responded, "No."

In fact, you agreed on or about January 11, 1990, in a Consent Order with the Georgia Board, to place your Georgia license on inactive status, which precluded you from practicing medicine in the State of Georgia while your license was on inactive status, and you also agreed not to be able to petition for active licensure status during the 1990-1991 renewal period for your Georgia license.

- 5) On or about January 21, 1993, you signed the Application for Staff Membership to St. Joseph Hospital and Health Center. In response to the question, "Has your license to practice, in any jurisdiction, or DEA ever been limited, suspended, revoked or voluntarily surrendered/or otherwise acted against?" you responded, "No."

In fact, you agreed on or about January 11, 1990, in a Consent Order with the Georgia Board, to place your Georgia license on inactive status, which precluded you from practicing medicine in the State of Georgia while your license was on inactive status, and you also agreed not to be able to petition for active licensure status during the 1990-1991 renewal period for your Georgia license.

- 6) On or about February 13, 1994, you signed and submitted the Elyria Memorial Hospital and Medical Center Application for Staff Membership. In response to the question, "Has your license to practice medicine in any jurisdiction ever been limited, suspended or revoked, or have you ever been reprimanded by any state medical board or any medical society or any medical staff?" you responded, "No."

In fact, you agreed on or about January 11, 1990, in a Consent Order with the Georgia Board, to place your Georgia license on inactive status, which precluded you from practicing medicine in the State of Georgia while your license was on inactive status, and you also agreed not to be able to petition for

March 13, 1996

HYUN YOUNG PARK, M.D.
PAGE 3

active licensure status during the 1990-1991 renewal period for your Georgia license.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (6) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

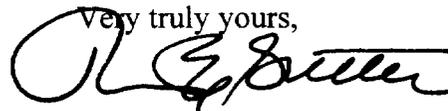
Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (6) above, individually and/or collectively, constitute "(t)he obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice," as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

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 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,


Thomas E. Gretter, M.D.
Secretary

TEG/bjm
Enclosures
CERTIFIED MAIL # P 348 887 282
RETURN RECEIPT REQUESTED

cc: Julie Callsen, Esq.
CERTIFIED MAIL # P 348 887 283
RETURN RECEIPT REQUESTED
rev.2/15/95



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

February 14, 1996

Hyun Young Park, M.D.
38080 Berkeley Lane
Moreland Hills, OH 44022

Dear Doctor Park:

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) On your 1986 application for renewal of your Ohio certificate to practice medicine and surgery, you certified that the information provided on the application was true and correct in every respect. In response to the question, "At any time since the last renewal of your certificate have you . . . 4.) Had any hospital privileges suspended or revoked?" you responded, "No."

In fact, on or about July 23, 1986, the Hospital Authority of Liberty County unanimously voted to revoke all of your privileges at Liberty Memorial Hospital.

- 2) On or about October 10, 1990, you signed the application for renewal of your Ohio certificate to practice medicine and surgery, certifying that the information provided on the application was true and correct in every respect. In response to the questions, "At any time since the last renewal of your certificate have you . . . 2.) Had any disciplinary action taken or initiated against you by any state licensing board? . . . 3.) Surrendered, or consented to limitation upon: a) A license to practice medicine; OR b) State or federal privileges to prescribe controlled substances?" you responded, "No."

In fact, on or about October 19, 1989, the Composite State Board of Medical Examiners for the State of Georgia (the "Georgia Board") notified you that it would hold a hearing to determine whether sufficient grounds existed for disciplinary action against you. Further, you agreed

on or about January 11, 1990, in a Consent Order with the Georgia Board, to place your license to practice medicine in the State of Georgia ("Georgia license") on inactive status, which precluded you from practicing medicine in the State of Georgia while your license was on inactive status, and you also agreed not to be able to petition for active licensure status during the 1990-1991 renewal period for your Georgia license.

Mailed 2/15/96

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate 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 (1) and (2) above, individually and/or collectively, constitute "publishing a false, fraudulent, 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 paragraphs (1) and (2) 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.

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.

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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 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,



Thomas E. Gretter, M.D.

Secretary

TEG/bjm

Enclosures

CERTIFIED MAIL # P 348 887 271

RETURN RECEIPT REQUESTED

cc: Julie Callsen, Esq.

CERTIFIED MAIL # P 348 887 288

RETURN RECEIPT REQUESTED