

**CONSENT AGREEMENT  
BETWEEN  
SHELDON ZOLNA, M.D.  
AND THE STATE MEDICAL BOARD OF OHIO**

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

SHELDON ZOLNA, M.D. 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 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 December 6, 1995, 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 AGREEMENT;
- C. SHELDON ZOLNA, M.D., is licensed to practice medicine and surgery in the State of Ohio;
- D. SHELDON ZOLNA, M.D. ADMITS to the factual and legal allegations stated in Exhibit A, the December 6, 1995 Board letter.

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

1. That the license of SHELDON ZOLNA, M.D. to practice medicine and surgery in Ohio shall be SUSPENDED for an indefinite term, which shall last a minimum of thirty (30) days;
2. That THE STATE MEDICAL BOARD OF OHIO shall not consider reinstatement of DR. ZOLNA's certificate unless and until all the following minimum requirements are met:
  - A. SHELDON ZOLNA, M.D., shall submit an application for reinstatement accompanied by the appropriate fees.
  - B. SHELDON ZOLNA, M.D., shall provide documentation acceptable to the BOARD of his satisfactory completion of one-hundred (100) hours of Continuing Medical Education credits for the registration period July 1, 1992 to June 30, 1994, at least forty (40) hours of which shall be in Category I. It shall be DR. ZOLNA's responsibility to work with appropriate BOARD staff to ascertain what will be considered as satisfactory documentation and to obtain the same before any deadline for submission of such documentation.
  - C. SHELDON ZOLNA, M.D., shall supply documentation acceptable to the BOARD of satisfactory completion of one-hundred (100) hours of approved Continuing Medical Education, at least forty (40) hours of which shall be in Category I, for the period from July 1, 1994 to June 30, 1996 and for each complete biennium, if any, during which his certificate remains suspended after the 1994 - 1996 biennium.
  - D. In the event that SHELDON ZOLNA, M.D., has not been engaged in the active practice of medicine for a period of more than two (2) years prior to his application for reinstatement, SHELDON ZOLNA, M.D., shall take and pass the SPEX examination or any similar written examination which the BOARD may deem appropriate to assess his clinical competency.

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3. Subsequent to reinstatement of his certificate, SHELDON ZOLNA, M.D., shall remain on PROBATION for three (3) additional biennial registration periods and shall submit documentation acceptable to the BOARD of satisfactory completion of the requisite hours of Continuing Medical Education for each biennium. Such documentation shall be due in the BOARD's office by the end of the CME acquisition period for each biennium. It shall be DR. ZOLNA's responsibility to work with appropriate BOARD staff to ascertain what will be considered as satisfactory documentation and to obtain the same before any deadline for submission of such documentation;
4. Upon successful completion of PROBATION, SHELDON ZOLNA, M.D.'s certificate will be fully restored.

If, in the discretion of the Secretary and Supervising Member of the BOARD, SHELDON ZOLNA, M.D. 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 Agreement.

SHELDON ZOLNA, 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.

SHELDON ZOLNA, 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 that it shall become effective upon the last date of signature below.

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

*Sheldon Zolna MD*  
\_\_\_\_\_  
SHELDON ZOLNA, M.D.

*3/15/96*  
\_\_\_\_\_  
DATE

*[Signature]*  
\_\_\_\_\_  
COUNSEL FOR SHELDON ZOLNA, M.D.

*3/18/96*  
\_\_\_\_\_  
DATE

andrew\zolna2.ca

FOR THE STATE MEDICAL BOARD

*[Signature]*  
\_\_\_\_\_  
THOMAS E. GREYER, M.D.  
Secretary

*4/17/96*  
\_\_\_\_\_  
DATE

*[Signature]*  
\_\_\_\_\_  
RAYMOND J. ALBERT  
Supervising Member

*4/17/96*  
\_\_\_\_\_  
DATE

*[Signature]*  
\_\_\_\_\_  
ANDREW J. ALATIS  
Assistant Attorney General

*3-20-96*  
\_\_\_\_\_  
DATE



# STATE MEDICAL BOARD OF OHIO

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

December 6, 1995

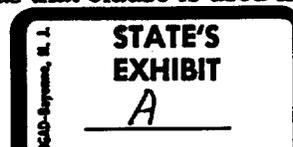
Sheldon Zolna, M.D.  
113 Broad Street  
Keyport, NJ 07735

Dear Doctor Zolna:

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) In applying for registration of your certificate to practice medicine or surgery for the current registration period, you certified that you had completed during the last biennial period of acquisition of Continuing Medical Education (CME) (July 1, 1992 - June 30, 1994) the requisite hours of CME as required by Section 4731.281, Ohio Revised Code.
- (2) In April 1995, the State Medical Board of Ohio informed you by a certified mail letter that you were required to complete a log listing your CME for the July 1, 1992 - June 30, 1994 period and to provide documentation that you had actually completed at least forty (40) hours of Category I CME credits. By certified mail letter dated July 27, 1995, for which your agent signed on or about July 31, 1995, the State Medical Board again requested that you submit documentation of your CME credits for the July 1, 1992 - June 30, 1994 period. You have not responded to either of the above notices. You have failed to submit any documentation of CME completed for the above period.
- (3) Your lack of response to the notices as detailed in the above paragraph (2) rebuts the presumption that you did complete the requisite hours of CME, and/or demonstrates that you failed to keep detailed records of CME taken.

Your acts in certifying to the State Medical Board that you had completed the statutorily required CME, as set forth in the above paragraph (1), when you had not, in fact, done so, 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.



Mailed 12/7/95

De ber 6, 1995

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Further, your acts in certifying to the State Medical Board that you had completed the statutorily required CME, as set forth in the above paragraph (1), when you had not, in fact, done so, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, such failure to respond to the audit notices, to obtain the requisite CME and/or submit documentation of same constitutes "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 4731-10-03 and 4731-10-08, Ohio Administrative Code.

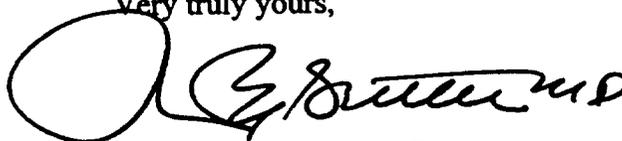
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing 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 348 886 991  
RETURN RECEIPT REQUESTED

rev.2/15/95