CONSENT AGREEMENT
BETWEEN
RICHARD JOSEPH MURPHY, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO

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

Dr. Murphy 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)(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 of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board."

B. 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.

C. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(20), to wit: Section 4731.281, Ohio Revised Code, and Rules 4731-10-03, 4731-10-05 and 4731-10-08, Ohio Administrative Code, as in effect prior to February 28, 2003, as detailed in Paragraphs F and G below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.

D. Dr. Murphy is licensed to practice medicine and surgery in the State of Ohio, License No. 35-040123.

E. Dr. Murphy states that he is also licensed to practice medicine and surgery in the State of Virginia.

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F. Dr. Murphy admits that in completing his application card for renewal of his certificate to practice medicine or surgery for the July 2, 2004, through July 1, 2006, registration period, he certified that he had completed during the 2002-2004 CME period (April 2, 2002 through April 1, 2004) the requisite hours of continuing medical education, as required by Section 4731.281, Ohio Revised Code, when in fact he had not done so.

G. Dr. Murphy admits that, in fact, he completed only 19 hours of the required 40 hours of Category I CME during the applicable time period of April 2, 2002, through April 1, 2004.

H. Dr. Murphy states, and the Board acknowledges receipt of acceptable documentation to support, that he has completed 28 credit hours of Category I CME during the current 2004-2006 CME period, twenty-one (21) hours of which will be applied towards his credit deficiency in the 2002-2004 period. The Board agrees that Dr. Murphy has now satisfied his CME requirement for the 2002-2004 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. Murphy knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

REPRIMAND

1. Dr. Murphy shall be and hereby is REPRIMANDED.

FINE

2. Dr. Murphy shall pay a fine of two thousand five hundred dollars ($2,500) to the Board within thirty days of the effective date of this Consent Agreement.

DOCUMENTATION OF CME

3. Dr. Murphy shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME hours for the CME period of April 2, 2004, through April 1, 2006. These CME hours will be in addition to the 21 hours that Dr. Murphy completed after April 1, 2004, that have been credited to the 2002-2004 CME period. Moreover, Dr. Murphy 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. Murphy's next two periods of active licensure thereafter. This documentation shall be due in the Board's offices within thirty days of the conclusion of each CME period, unless otherwise determined by the Board.

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REQUIRED REPORTING BY LICENSEE

4. Within thirty days of the effective date of this Consent Agreement, Dr. Murphy shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, for a period of five years following the effective date of this Consent Agreement, Dr. Murphy shall 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.

5. Within thirty days of the effective date of this Consent Agreement, Dr. Murphy 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 any professional license. Further, for a period of five years following the effective date of this Consent Agreement, Dr. Murphy shall 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 any professional license or reinstatement of any professional license. Further, Dr. Murphy shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Murphy 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 Consent Agreement.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Murphy 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. Murphy hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

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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. Murphy 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.

Richard Joseph Murphy, M.D.

3/15/06
Date

Lance A. Talmage, M.D.
Secretary

5-10-06
Date

Terri-Lynne B. Smiles, Esq.
Attorney for Dr. Murphy

4/6/05
Date

Raymond J. Albert
Supervising Member

5/10/06
Date

Diann Thompson, Esq.
Assistant Executive Director

5/10/06
Date

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