CONSENT AGREEMENT
BETWEEN
JULIAN A. GORDON, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO
09-CRF-029

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

Dr. Gordon 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), 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 "A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice", as that clause is used in Section 4731.22(B)(11), Ohio Revised Code.

B. The Board and Dr. Gordon enter into this Consent Agreement in lieu of further formal proceedings based upon the allegations set forth in the Notice of Opportunity for Hearing issued on March 11, 2009, 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 R.C. Chapter 4731., whether occurring before or after the effective date of this Consent Agreement.

C. Dr. Gordon is licensed to practice medicine and surgery in the State of Ohio, License number 35.040438.

D. Dr. Gordon states that he is not licensed to practice in any other state or jurisdiction.

E. Dr. Gordon admits to the factual and legal allegations as set forth in the March 11, 2009 Notice of Opportunity for Hearing.

F Dr. Gordon represents and the Board acknowledges receipt of acceptable documentation to support that Dr. Gordon has undergone and completed a psychological diagnostic evaluation in December 2007 [December 2007 Evaluation]. Dr. Gordon represents and the Board acknowledges receipt of acceptable documentation to support that subsequent to the December 2007 Evaluation, Dr. Gordon has undergone psychotherapeutic counseling on a regular basis [twice weekly from December 2007 –April 2008; once weekly from April 2008 to present] at the Center for Marital and Sexual Health, Beachwood, Ohio.

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. Gordon knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

REVOCATION, STAYED; SUSPENSION

1. The certificate of Dr. Gordon to practice medicine and surgery in the State of Ohio shall be REVOKED. Such revocation is STAYED, and Dr. Gordon's certificate shall be SUSPENDED for an indefinite period of time, but not less than 90 (Ninety) days.

INTERIM MONITORING

Obey all Laws

2. Dr. Gordon shall obey all federal, state, and local laws.

Psychiatric Treatment/Psychotherapy

3. Dr. Gordon shall undergo and continue psychotherapeutic counseling sessions with Marvin Wasman, Ph.D., at the Center for Marital and Sexual Health, Beachwood, Ohio, or another psychologist approved in advance by the Board. The sessions shall be conducted at least weekly or as otherwise directed by the Board, conducted in person and may not be conducted by telephone or other electronic means. Dr. Gordon shall comply with his psychotherapeutic treatment plan.

   Dr. Gordon shall continue psychiatric treatment with Patrick Enders, M.D., or another psychiatrist approved in advance by the Board, at least once per month, or as otherwise directed by the Board. Dr. Gordon shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his psychiatric disorder.

Dr. Gordon shall ensure that reports are forwarded by both his treating psychiatrist and treating psychologist to the Board. The psychological and psychiatric reports shall contain information describing Dr. Gordon's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Gordon's compliance with the treatment plan; Dr. Gordon's psychological or psychiatric status; Dr. Gordon's progress in treatment; and results of any laboratory or other studies that have been conducted since the prior report. Dr. Gordon shall ensure that the reports are forwarded to the Board on a yearly basis and are received in the Board's offices no later than the due date for every fourth quarterly declaration required under paragraph 6.

In addition, Dr. Gordon shall ensure that his treating psychologist and/or psychiatrist immediately notifies the Board of Dr. Gordon's failure to comply with his psychotherapeutic and/or psychiatric treatment plan and/or any determination that Dr. Gordon is unable to practice due to his/her psychological or psychiatric disorder.

In the event that the designated psychologist and/or psychiatrist becomes unable or unwilling to serve in this capacity, Dr. Gordon must immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychologist or psychiatrist as soon as practicable. Dr. Gordon shall further ensure that the previously designated treating psychologist or psychiatrist also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

The Board expressly reserves the right to disapprove any psychologist or psychiatrist proposed to serve as Dr. Gordon's designated treating psychologist or psychiatrist, or to withdraw approval of any psychologist or psychiatrist previously approved to serve as Dr. Gordon's designated treating psychologist or psychiatrist, in the event that the Secretary and Supervising Member of the Board determine that any such psychologist or psychiatrist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Absences from Ohio

4. Dr. Gordon shall obtain permission from the Board for departures or absences from Ohio. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Gordon resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Gordon may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Gordon is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.

Releases; Quarterly Declarations and Appearances

5. Dr. Gordon shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Gordon for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Gordon further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment pursuant to the terms of this consent agreement to notify the Board in the event he fails to agree to or comply with any treatment recommendations. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.

6. Dr. Gordon shall submit quarterly declarations under penalty of Board disciplinary action and/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, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

7. Dr. Gordon shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested 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.

CONDITIONS FOR REINSTATEMENT

8. The Board shall not consider reinstatement or restoration of Dr. Gordon's certificate to practice medicine and surgery until all of the following conditions are met:

   a. Dr. Gordon shall submit an application for reinstatement or restoration, as appropriate, accompanied by appropriate fees, if any.

   b. Dr. Gordon shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:

i. Evidence of continuing full compliance with the treatment recommendations of the psychotherapeutic counselor referred to in Paragraph F above.

ii. Evidence of continuing full compliance with this Consent Agreement.

9. In the event that Dr. Gordon 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 Dr. Gordon's fitness to resume practice.

PROBATIONARY TERMS

Upon reinstatement or restoration of his certificate to practice medicine and surgery, Dr.Gordon knowingly and voluntarily agrees with the Board to comply with the following PROBATIONARY terms, conditions and limitations for a period of at least five years:

Obey all Laws

10. Dr. Gordon shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.

Psychiatric Treatment/Psychotherapy

11. Dr. Gordon shall continue psychiatric treatment with Patrick Enders, M.D., or another psychiatrist approved in advance by the Board, at least once per month, or as otherwise directed by the Board. Dr. Gordon shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his psychiatric disorder.

    Further, Dr. Gordon shall continue to participate in individual psychotherapy counseling sessions with Marvin Wasman, Ph.D, a psychologist at the Center for Marital and Sexual Health, Beachwood, Ohio., or another appropriately licensed psychologist or psychiatrist approved in advance by the Board, at least once per week, or as otherwise directed by the Board. The sessions shall be in person and may not be conducted by telephone or other electronic means.

    Dr. Gordon shall continue in psychotherapeutic and psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychologist and psychiatrist.

    Dr. Gordon shall ensure that reports are forwarded by both his treating psychiatrist and treating psychologist to the Board on a yearly basis, or as otherwise directed by

the Board. These reports shall contain information describing Dr. Gordon's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Gordon's compliance with the treatment plan; Dr. Gordon's psychological or psychiatric status; Dr. Gordon's progress in treatment; and results of any laboratory or other studies that have been conducted since the prior report. Dr. Gordon shall ensure that his treating psychiatrist and his treating psychologist immediately notify the Board of his failure to comply with his treatment plan and/or any determination that Dr. Gordon is unable to practice. It is Dr. Gordon's responsibility to ensure that these yearly reports are received in the Board's offices no later the due date for every fourth quarterly declaration required under paragraph 12.

In the event that the designated treating psychiatrist and psychologist becomes unable or unwilling to serve in this capacity, Dr. Gordon must immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychiatrist or psychologist as soon as practicable. Dr. Gordon shall further ensure that the previously designated treating psychiatrist or psychologist also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

The Board expressly reserves the right to disapprove any psychiatrist or psychologist proposed to serve as Dr. Gordon's designated treating psychiatrist or psychologist, or to withdraw approval of any psychiatrist or psychologist previously approved to serve as Dr. Gordon's designated treating psychiatrist or psychologist, in the event that the Secretary and Supervising Member of the Board determine that any such psychiatrist or psychologist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Releases; Quarterly Declarations and Appearances

12. Dr. Gordon shall submit quarterly declarations under penalty of Board disciplinary action and/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 during the third month following the month in which Dr. Gordon's license is reinstated or restored, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

13. Dr. Gordon shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place during the third month following the month in which Dr. Gordon's license is reinstated or restored. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested 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.

14. Dr. Gordon shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the probationary terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Gordon resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Gordon may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Gordon is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.

15. Dr. Gordon shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Gordon for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Gordon further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.

16. Dr. Gordon shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

17. In the event Dr. Gordon 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 period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

REQUIRED REPORTING BY LICENSEE

18. Within thirty days of the effective date of this Consent Agreement, Dr. Gordon shall provide a copy of this Consent Agreement to all employers or entities with which he/she is under contract to provide health care services (including but not limited to third party payors) or is receiving training; and the Chief of Staff at each hospital where he/she has privileges or appointments. Further, Dr. Gordon shall promptly provide a copy of this Consent Agreement to all employers or entities with which

he/she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he/she applies for or obtains privileges or appointments. In the event that Dr. Gordon provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Gordon shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Gordon shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

19. Within thirty days of the effective date of this Consent Agreement, Dr. Gordon shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he/she currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he/she currently holds any license or certificate. Dr. Gordon further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority of any state in which he/she applies for any professional license or reinstatement of any professional license. Further, Dr. Gordon shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

20. Dr. Gordon shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

DURATION/MODIFICATION OF TERMS

Dr. Gordon shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr.Gordon shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

In the event that the Board initiates future formal proceedings against Dr. Gordon, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Gordon 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.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Gordon has violated any term, condition or limitation of this Consent Agreement, Dr.Gordon 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 purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Gordon 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. Gordon hereby releases the Board, 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. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Gordon acknowledges that hi 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.

JULIAN A. GORDON, M.D.

10/7/2009
DATE

LANCE A. TALMAGE, M.D.
Secretary

10-14-09
DATE

GREGORY J. LUCHT
Attorney for Julian A. Gordon, M.D.

10/8/09
DATE

RAYMOND J. ALBERT
Supervising Member

10/14/09
DATE

Barbara Pfeiffer
Assistant Attorney General

10/16/09
DATE

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

March 11, 2009

Case number: 09-CRF-029

Julian A. Gordon, M.D.
2268 Orchard Way
Beachwood, Ohio 44122

Dear Doctor Gordon:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] 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 you or place you on probation for one or more of the following reasons:

(1) On or about October 31, 2007, you were charged with Sexual Imposition, in violation of Section 565.03 of the Mayfield Heights Codified Ordinances, Mayfield Heights, Ohio, a misdemeanor of the third degree. The charge arose from your conduct with a patient during a medical consultation in the course of practice. On or about November 25, 2008, the charge was amended to Assault, in violation of Section 535.02 of the Mayfield Heights Codified Ordinances, Mayfield Heights, Ohio, a misdemeanor of the first degree. You pled No Contest to the amended charge and were convicted in the Lyndhurst Municipal Court, Lyndhurst, Ohio. You were sentenced to 180 days in jail, with 180 days suspended, and you were placed on probation for a period of six months. You were fined $1,000, with $250 suspended, and you were ordered to pay court costs.

Your plea of guilty or the judicial finding of guilt as alleged in paragraph (1) above constitutes "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice," as that clause is used in Section 4731.22(B)(11), 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 days of the time of mailing of this notice.

STATE'S EXHIBIT A

Mailed 3-12-09

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 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 you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, 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,

Lance A. Talmage, M.D.
Secretary

LAT/CDP/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3066 6696
RETURN RECEIPT REQUESTED

cc: Gregory J. Lucht
Benesch, Friedlander, Coplan & Aronoff, LLP
200 Public Square, Suite 2300
Cleveland, Ohio 44114-2378

CERTIFIED MAIL #91 7108 2133 3936 3066 6689
RETURN RECEIPT REQUESTED

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

March 11, 2009

Case number: 09-CRF- 029

Julian A. Gordon, M.D.
2268 Orchard Way
Beachwood, Ohio 44122

Dear Doctor Gordon:

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Mailed 3-12-09

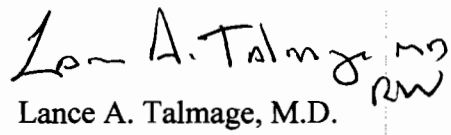
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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 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 you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, 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,



Lance A. Talmage, M.D.
Secretary

LAT/CDP/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3066 6696
RETURN RECEIPT REQUESTED

cc: Gregory J. Lucht
Benesch, Friedlander, Coplan & Aronoff, LLP
200 Public Square, Suite 2300
Cleveland, Ohio 44114-2378

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