

**CONSENT AGREEMENT
BETWEEN
JAMES P. LEWIS, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

JAMES P. LEWIS, M.D., 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 STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(19), 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 “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.”
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(B)(19), Ohio Revised Code, as set forth in Paragraphs E and F 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.
- C. JAMES P. LEWIS, M.D., is licensed to practice medicine and surgery in the State of Ohio.

- D. JAMES P. LEWIS, M.D. STATES that he not licensed to practice medicine and surgery in any other state or jurisdiction.
- E. JAMES P. LEWIS, M.D., ADMITS that his diagnoses include obsessive-compulsive personality disorder and Major Depression. DOCTOR LEWIS further ADMITS that he has received treatment related to his diagnoses, primarily since 1995, from several mental health professionals, including Stephen Pearce, Psy.D., Mahendra Mahajan, M.D., Lee Wolf, LPCC, and Jack Lunderman, Jr., M.D., and that he remains in treatment with Mr. Wolf and Dr. Lunderman.

DOCTOR LEWIS further ADMITS that on or about September 29, 1999, he was admitted to Miami Valley Hospital in Dayton, Ohio, for inpatient psychiatric treatment, receiving a diagnosis of Bipolar Disorder. DOCTOR LEWIS further ADMITS that although he was discharged to outpatient care on or about October 9, 1999, he was again admitted to Miami Valley Hospital for inpatient psychiatric treatment on or about October 10, 1999, with possible issues with prescribed medications noted. DOCTOR LEWIS further ADMITS that he was discharged on October 16, 1999, at which time he was instructed not to work and to continue treatment with Dr. Lunderman.

DOCTOR LEWIS further ADMITS that he thereafter continued treatment with Dr. Lunderman, and was advised during a session on January 20, 2000, that Dr. Lunderman could not recommend that he work until a neuropsychological assessment was obtained. DOCTOR LEWIS further ADMITS that he nonetheless worked some shifts in a rural emergency room, and that after informing Dr. Lunderman during a session on February 3, 2000, that he had done so, was again informed by Dr. Lunderman that it was not recommended that he work until a better measure of his cognitive function had been obtained.

DOCTOR LEWIS further ADMITS that on or about February 14, 2000, he submitted to a neuropsychological assessment by Michael Finton, Ph.D., as recommended by Dr. Lunderman. DOCTOR LEWIS further ADMITS that while Dr. Finton found no evidence of cognitive impairment at that time, he recommended that close monitoring of DOCTOR LEWIS's psychiatric status be continued by Dr. Lunderman despite DOCTOR LEWIS's intact cognitive abilities, as the role of psychiatric illness in DOCTOR LEWIS's overall level of functioning was not clear at that time.

- F. DOCTOR LEWIS further ADMITS that on April 8, 2000, as ordered by the State Medical Board of Ohio pursuant to its authority under Section

4731.22(B)(19), Ohio Revised Code, he submitted to a psychiatric examination conducted by Howard H. Sokolov, M.D. DOCTOR LEWIS further ADMITS that Dr. Sokolov's conclusions and recommendations following the evaluation were as follows:

The current psychiatric evaluation revealed that Dr. Lewis has a basic obsessive-compulsive personality style and suffered a Major Depression in the Fall of 1999 for which he required hospitalizations. His depression now appears to be in substantial remission, but it is clearly too early in the course of his recovery to be certain about the strength of his sustained improvement. He may be in a phase of overoptimism about his recovery, not realizing the work ahead in establishing a life of his own, unrelated to the strivings of the past and not dominated by anxiety and guilt. He also has a tendency to medicate himself and to desire to be his own physician.

It is my opinion that Dr. Lewis, based on a reasonable degree of medical certainty, is capable of practicing medicine according to acceptable and prevailing standards of care. In order to maintain this situation, it is my recommendation that his continued practice, over the next two years, be contingent upon his (1) limiting his practice to no more than 48 hours of work each week, (2) continuing psychotherapy/counseling at least two sessions per month, (3) continuing psychiatric appointments at least once per month, and (4) following the medication recommendations of his psychiatrist (without any self medication). Reports regarding work hours, any complaints against him, attendance at counseling and with his psychiatrist and compliance with the medication plan should be submitted to the Board.

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AGREED CONDITIONS

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

1. DOCTOR LEWIS shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. DOCTOR LEWIS 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;

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

4. In the event that DOCTOR LEWIS should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR LEWIS 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;
5. In the event DOCTOR LEWIS 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 the CONSENT AGREEMENT;

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Treatment

6. DOCTOR LEWIS shall continue psychiatric treatment with his treating psychiatrist, Jack Lunderman, M.D., at least once per month, or as otherwise directed by the BOARD. In the event that Dr. Lunderman is unable or unwilling to treat him, DOCTOR LEWIS must immediately so notify the BOARD in writing, and within thirty days of receiving notice that Dr. Lunderman is unable or unwilling to treat him, DOCTOR LEWIS shall submit to the BOARD for its prior approval the name and qualifications of a psychiatrist of his choice. Upon approval by the BOARD, DOCTOR LEWIS shall undergo and continue psychiatric treatment at least once per month, or as otherwise directed by the BOARD.

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DOCTOR LEWIS shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his psychiatric disorder. DOCTOR LEWIS shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the BOARD on a quarterly basis, or as otherwise directed by the BOARD. The psychiatric reports shall contain information describing DOCTOR LEWIS's current treatment plan and any changes that have been made to the treatment plan since the prior report; DOCTOR LEWIS's compliance with his treatment plan; DOCTOR LEWIS's mental status; DOCTOR LEWIS's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. DOCTOR LEWIS shall ensure that his treating psychiatrist immediately notifies the BOARD of his failure to comply with his psychiatric treatment plan and/or any determination that DOCTOR LEWIS is unable to practice due to his psychiatric disorder. It is DOCTOR LEWIS's responsibility to ensure that quarterly reports are received in the BOARD's offices no later than the due date for DOCTOR LEWIS's quarterly declaration;

7. DOCTOR LEWIS shall continue psychotherapy/counseling with Lee Wolf, LPCC, at least two times per month, or as otherwise directed by the BOARD. In the event that Mr. Wolf is unable or unwilling to continue providing such psychotherapy/counseling, DOCTOR LEWIS must immediately so notify the BOARD in writing, and within thirty days of receiving notice that Mr. Wolf is unable or unwilling to continue, DOCTOR LEWIS shall submit to the BOARD for its prior approval the name and qualifications of another qualified mental health professional of his choice. Upon approval by the BOARD, DOCTOR LEWIS shall undergo and continue psychotherapy/counseling at least two times per month, or as otherwise directed by the BOARD.

DOCTOR LEWIS shall comply with his psychotherapy/counseling treatment plan. DOCTOR LEWIS shall ensure that reports are forwarded by the mental health professional to the BOARD on a quarterly basis, or as otherwise directed by the BOARD. The reports shall contain information describing DOCTOR LEWIS's current treatment plan and any changes that have been made to the treatment plan since the prior report; DOCTOR LEWIS's compliance with his treatment plan; DOCTOR LEWIS's mental status; and DOCTOR LEWIS's progress in treatment. DOCTOR LEWIS shall ensure that the mental health professional immediately notifies the BOARD of his failure to comply with his treatment plan. It is DOCTOR LEWIS's responsibility to ensure that such quarterly reports are received in the BOARD's offices no later than the due date for DOCTOR LEWIS's quarterly declaration;

Self and Family Treating Limitations

8. DOCTOR LEWIS shall refrain from self-treating and from treating family members, except in the event of a life-threatening emergency;

Monitoring Physician

9. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR LEWIS shall submit for the BOARD's prior approval the name of a monitoring physician, who shall review DOCTOR LEWIS's patient charts and shall submit a written report of such review to the BOARD on a quarterly basis. In approving an individual to serve in this capacity, the BOARD will give preference to a physician who practices in the same locale as DOCTOR LEWIS and who is engaged in the same or similar practice specialty. Such chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the BOARD. It shall be DOCTOR LEWIS's responsibility to ensure that the monitoring physician's quarterly reports are submitted to the BOARD on a timely basis;

Further, the monitoring physician shall otherwise monitor DOCTOR LEWIS and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR LEWIS shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR LEWIS must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR LEWIS shall

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further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore;

All monitoring physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR LEWIS's quarterly declaration. It is DOCTOR LEWIS's responsibility to ensure that reports are timely submitted;

Medical Practice Limitations

CPJ
10.

Beginning October 1, 2000
DOCTOR LEWIS shall limit his medical practice to no more than 48 hours of work per week. DOCTOR LEWIS shall keep a log reflecting the dates, times, and facilities and/or locations at which he works. Such log shall be submitted with each quarterly declaration required under Paragraph 2 of this CONSENT AGREEMENT;

Releases

11. DOCTOR LEWIS shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment providers to the BOARD, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations;

Required Reporting by Licensee

12. In the event that DOCTOR LEWIS learns that an incident report has been filed concerning him or learns from a supervisor, hospital administrator, or employer, or person of like position or authority, of an issue of possible deficiency or problem related to his practice of medicine or his ability to practice medicine, DOCTOR LEWIS shall report the following information to the BOARD in writing within thirty (30) days: his knowledge of such incident report or issue of possible deficiency or problem, the source of his knowledge, and the subject matter of the incident report or issue of possible deficiency or problem. Further, DOCTOR LEWIS shall provide with his report to the BOARD a copy of such incident report or any written materials which he has received concerning the issue of possible deficiency or problem. In addition, DOCTOR LEWIS may provide with his report to the BOARD a written response to the incident report or issue of possible deficiency or problem;

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13. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR LEWIS 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, DOCTOR LEWIS 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; and
14. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR LEWIS 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. DOCTOR LEWIS 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 any professional license or reinstatement of any professional license. Further, DOCTOR LEWIS shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR LEWIS 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 DOCTOR LEWIS has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR LEWIS 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.

DURATION/MODIFICATION OF TERMS

DOCTOR LEWIS shall not request termination of this CONSENT AGREEMENT for a minimum of two (2) years. In addition, DOCTOR LEWIS shall not request

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modification to the probationary terms, limitations and conditions contained herein for at least one (1) 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.

ACKNOWLEDGMENTS/LIABILITY RELEASE

DOCTOR LEWIS 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.

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

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



JAMES P. LEWIS, M.D.

8/28/00

DATE



ANAND G. GARG, M.D.
Secretary

09/13/00

DATE

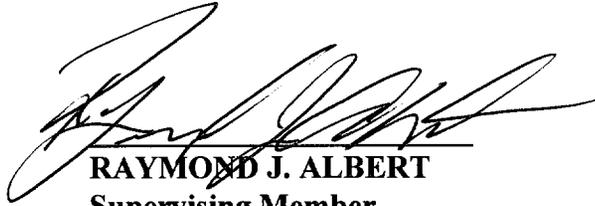
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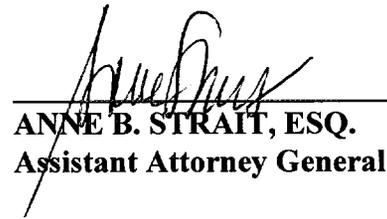
C. DINO GIANUGLOU, ESQ.
Attorney for Dr. Lewis

9/1/00
DATE



RAYMOND J. ALBERT
Supervising Member

9/13/00
DATE



ANNE B. STRAIT, ESQ.
Assistant Attorney General

9/13/00
DATE