

CONSENT AGREEMENT
BETWEEN
ROBERT K. COLLARD, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

THIS CONSENT AGREEMENT is entered into by and between ROBERT K. COLLARD, M.D., and the STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4730 and 4731 of the Ohio Revised Code.

WHEREAS, ROBERT K. COLLARD, is a medical doctor licensed to practice in the State of Ohio, and is subject to all laws and rules of Ohio regulating the practice of medicine.

WHEREAS, on November 7, 1985, the STATE MEDICAL BOARD OF OHIO issued a Notice of Opportunity for Hearing to ROBERT K. COLLARD alleging certain violations of Chapter 4731 of the Ohio Revised Code, and advising him of his right to request a formal adjudicatory hearing in the matter.

WHEREAS, the matter is now pending before the STATE MEDICAL BOARD OF OHIO.

WHEREAS, in lieu of a formal adjudication hearing, ROBERT K. COLLARD and the STATE MEDICAL BOARD OF OHIO have agreed to enter into this CONSENT AGREEMENT which the parties have resolved to be in their mutual best interests and the best interests of the people of this state.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, ROBERT K. COLLARD, M.D., and the STATE MEDICAL BOARD OF OHIO hereby Consent and Agree to the following stipulations, terms and conditions:

I. STIPULATIONS

- A. Robert K. Collard, M.D., STIPULATES that on or about June 11, 1985, he did receive a letter from the State Medical Board of Ohio requiring proof of Continuing Medical Education credits for the biennium January 1, 1983 through December 31, 1984. (EXHIBIT A)
- B. Robert K. Collard, M.D., STIPULATES that through neglect he did not supply the proof required by the State Medical Board following receipt of the June 11, 1985, letter.

- C. Robert K. Collard, M.D., STIPULATES that on or about August 6, 1985, the State Medical Board issued a second letter requesting submission of the required CME materials.
- D. Robert K. Collard, M.D., STIPULATES that he did fail to receive the August 6, 1985, letter from the State Medical Board and therefore did not respond to the August 6, 1985, letter. (EXHIBIT B)
- E. Robert K. Collard, M.D., STIPULATES that by letter dated November 7, 1985, he was notified of his opportunity for hearing before the State Medical Board prior to the taking of disciplinary action for failure to comply with CME requirements as required by Section 4731.281, Ohio Revised Code. (EXHIBIT C)
- F. Robert K. Collard, M.D., STIPULATES that by letter dated November 8, 1985, he did request a hearing before the State Medical Board of Ohio. (EXHIBIT D)
- G. Robert K. Collard, M.D., STIPULATES that his failure to respond as required by the State Medical Board places him in violation of Ohio law governing the practice of medicine.
- H. Robert K. Collard, M.D., STIPULATES that he has completed the requisite CME coursework and has submitted proof of same to the State Medical Board.

II. LICENSE TO PRACTICE

- I. Robert K. Collard, M.D., does hereby voluntarily, knowingly and intelligently AGREE that pursuant to the above-stated stipulations his license to practice medicine in the State of Ohio shall be subject to WRITTEN REPRIMAND issued from this Board; and he does further AGREE THAT:
 - 1. He shall submit proof of satisfactory CME attendance and completion at the time of, and for each of the next three (3) biennial registration periods in the State of Ohio.
 - 2. That failure to supply the information in verification of CME in timely fashion as provided above, shall result in an automatic six (6) month suspension of his license to practice medicine in Ohio.

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It is agreed by and between the parties that this CONSENT AGREEMENT hereby settles all issues pending before the STATE MEDICAL BOARD OF OHIO resulting from the November 7, 1985, Notice of Opportunity for Hearing to Robert K. Collard, M.D.

It is agreed by and between the parties that this Consent Agreement is conditioned upon proof satisfactory to the State Medical Board that Dr. Collard has in fact completed the requisite CME coursework for the biennium January 1, 1983 through December 31, 1984.

Robert K. Collard, M.D., accepts and agrees to the terms and conditions of this CONSENT AGREEMENT. Robert K. Collard, M.D., enters into this CONSENT AGREEMENT voluntarily and after having had the opportunity to consult with counsel, recognizing that he is waiving his right to a formal adjudication hearing under Chapter 119 of the Ohio Revised Code and all other substantive and procedural protections afforded by law.

Robert K. Collard, M.D., hereby releases the members of the STATE MEDICAL BOARD OF OHIO, jointly and severally, from any and all liability arising from the within matter.

THE STATE MEDICAL BOARD OF OHIO agrees to these terms and conditions in lieu of formal disciplinary proceedings on the allegations contained in the Notice of Opportunity, dated November 7, 1985.

The terms and conditions of this CONSENT AGREEMENT shall become effective on the 20th day of March, 1986.

Upon consent of both parties, the terms and conditions of this Agreement may be modified in writing.

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CHIEF CLERK
MEDICAL BOARD

It is AGREED and UNDERSTOOD by and between the parties that this CONSENT AGREEMENT shall be considered to be a public record as that term is used in Section 149.43, Ohio Revised Code.

By:

THE STATE MEDICAL BOARD OF OHIO

Henry G. Cramblett
Henry G. Cramblett, M.D.
Secretary

3/13/86
Date

William W. Johnston
William W. Johnston
Supervising Member

13 Mar 86
Date

Christopher M. Culley
Christopher M. Culley
Assistant Attorney General
For The State Medical Board of Ohio

3-13-86
Date

LICENSEE

Robert K. Collard M.D.
Robert K. Collard, M.D.
Licensee

3/12/86
Date

Attorney for Robert K. Collard, M.D.

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Date
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OHIO
MEDICAL BOARD
MAR 14 09:10

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio ~~43215~~ 43266-0315

November 7, 1985

Robert Kent Collard, M. D.
Route 11, # 3 Briarwood
Elizabethtown, Kentucky 42701

Dear Doctor Collard:

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 completing your renewal application card for registration of your certificate to practice medicine or surgery for the current biennial registration period, you did certify that you have completed during the last biennium the requisite hours of continuing medical education, as required by Section 4731.281, Ohio Revised Code.
- (2) By letter dated June 4, 1985, the State Medical Board instructed you to provide documentation of your continuing medical education. A second notice was mailed to you on August 6, 1985, but was returned to the Medical Board by the U.S. Postal Service after you ignored three (3) separate notices to pick up the letter. You have not responded in any way to either letter, and have not submitted documentation of your completion of the requisite hours of continuing medical education.

Your failure to document completion of the requisite continuing medical education, as alleged in the above paragraph (2), establishes that you did not complete such continuing medical education, in violation of Section 4731.281, Ohio Revised Code.

Further, your acts in certifying to the State Medical Board that you had completed the statutorily required continuing medical education when you had not, in fact, done so, constitutes "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.

STATE OF OHIO
THE STATE MEDICAL BOARD

Page Two

Robert Kent Collard, M. D.

November 7, 1985

Further, your failure to provide documentation of your continuing medical education pursuant to the Board's instructions, as alleged in the above paragraph (2), constitutes "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provisions of [Chapter 4731., Ohio Revised Code] or any rule promulgated by the Board", as that clause is used in Section 4731.22(B)(16), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code, and Rule 4713-10-08, Ohio Administrative Code, copies of which are enclosed.

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, that request must be made 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 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 made 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 Sections 4731.22 and 4731.281, Ohio Revised Code, and Rule 4731-10-08, Ohio Administrative Code, are enclosed for your information and review.

Very truly yours,



Henry G. Cramblett, M. D.
Secretary

HGC:caa

enclosures

CERTIFIED MAIL NO. P 569 361 836
RETURN RECEIPT REQUESTED

4731-10-01 DEFINITIONS.

(A) AS USED IN CHAPTER 4731-10 OF THE ADMINISTRATIVE CODE, THE FOLLOWING DEFINITIONS ARE APPLICABLE:

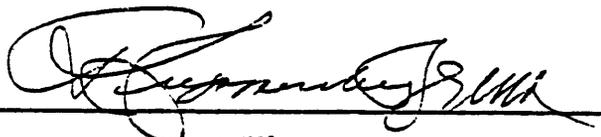
- (1) A "LICENSE" IS THE LEGAL AUTHORIZATION FROM THE STATE MEDICAL BOARD TO PRACTICE MEDICINE OR SURGERY, OSTEOPATHIC MEDICINE AND SURGERY, OR PODIATRY IN OHIO.
- (2) A "CERTIFICATE OF REGISTRATION" MEANS THE DOCUMENT ISSUED BY THE STATE MEDICAL BOARD WHICH EVIDENCES AN INDIVIDUAL'S LICENSE TO PRACTICE MEDICINE OR SURGERY, OSTEOPATHIC MEDICINE AND SURGERY, OR PODIATRY IN OHIO DURING A SPECIFIC REGISTRATION PERIOD.
- (3) "LICENSE REGISTRATION" IS THE EXTENSION OF A CURRENT LICENSE BY FULFILLING THE REQUIREMENTS OF SECTION 4731.281 OF THE REVISED CODE AND THIS CHAPTER OF THE ADMINISTRATIVE CODE.
- (4) "LICENSE REINSTATEMENT" IS THE RETURN OF A LICENSE WHICH HAS LAPSED OR BEEN IN A SUSPENDED OR INACTIVE STATUS FOR TWO YEARS OR LESS FOR ANY REASON INCLUDING A FAILURE TO COMPLY WITH SECTION 4731.281 OF THE REVISED CODE AND THIS CHAPTER OF THE ADMINISTRATIVE CODE.
- (5) "LICENSE RESTORATION" IS THE RETURN OF A LICENSE WHICH HAS LAPSED OR BEEN IN A SUSPENDED OR INACTIVE STATUS FOR MORE THAN TWO YEARS FOR ANY REASON.
- (6) AN "APPLICANT" IS ONE WHO SEEKS TO ATTAIN A CERTIFICATE OF REGISTRATION FROM THE BOARD.
- (7) A "LICENSEE" IS A PERSON WHO HOLDS A CURRENT AND VALID LICENSE TO PRACTICE MEDICINE OR SURGERY, OSTEOPATHIC MEDICINE AND SURGERY, OR PODIATRY IN OHIO.
- (8) A "REGISTRATION PERIOD" IS A PERIOD OF TWO YEARS IN WHICH EVERY DOCTOR OF MEDICINE, OSTEOPATHIC DOCTOR, AND DOCTOR OF PODIATRIC MEDICINE LICENSED IN OHIO MUST ATTAIN ONE HUNDRED HOURS OF CONTINUING MEDICAL EDUCATION TO REGISTER THEIR CERTIFICATE AS CURRENT AND VALID PURSUANT TO SECTION 4731.281 OF THE REVISED CODE AND THIS CHAPTER OF THE ADMINISTRATIVE CODE.

(B) ACTION BY THE BOARD REFUSING "LICENSE RESTORATION" AS THAT PHRASE IS USED IN THIS CHAPTER SHALL BE DEEMED REFUSAL TO "REGISTER" OR "REINSTATE" AS SUCH WORDS ARE USED IN SECTION 4731.22, OF THE REVISED CODE.

Promulgated Under: R.C. Ch. 119.
Rule amplifies: R.C. 4731.281, 4731.22

Effective: May 16, 1983

CERTIFICATION



MAY 2 1983

(DATE)

4731-10-03 CONTINUING MEDICAL EDUCATION REQUIREMENTS
FOR REGISTRATION OR REINSTATEMENT OF A LICENSE.

- (A) "LICENSE REGISTRATION" IS DEFINED IN PARAGRAPH (A)(3) OF RULE 4731-10-01 OF THE ADMINISTRATIVE CODE.
- (B) "LICENSE REINSTATEMENT" IS DEFINED IN PARAGRAPH (A)(4) OF RULE 4731-10-01 OF THE ADMINISTRATIVE CODE.
- (C) ALL APPLICANTS WHO FILE FOR LICENSE REGISTRATION OR LICENSE REINSTATEMENT MUST MEET THE ONE-HUNDRED-HOUR CONTINUING MEDICAL EDUCATION (HEREINAFTER "CME") REQUIREMENT LESS ANY REDUCTION IN HOURS ALLOWED BY THE BOARD UNDER THE PROVISIONS OF RULES 4731-10-09 AND 4731-10-10 OF THE ADMINISTRATIVE CODE.
- (D) IF AN INDIVIDUAL HAS NOT COMPLETED THE REQUISITE HOURS OF CME, HE IS NOT ELIGIBLE FOR LICENSE REGISTRATION OR LICENSE REINSTATEMENT UNTIL SUCH TIME AS THEY HAVE BEEN COMPLETED. ANY CME UNDERTAKEN AFTER THE END OF A REGISTRATION PERIOD AND UTILIZED FOR PURPOSES OF REGISTERING OR REINSTATING A SUSPENDED LICENSE CANNOT ALSO BE UTILIZED TO MEET THE CM REQUIREMENT FOR THE CURRENT REGISTRATION PERIOD.

Effective: May 16, 1983

CERTIFICATION:



MAY 2 1983

(DATE)

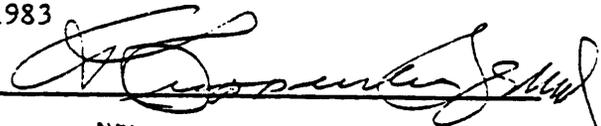
Promulgated under: R.C. Ch. 119
Rule amplifies: R.C. 4731.222, 4731.281

4731-10-04 CONTINUING MEDICAL EDUCATION REQUIREMENTS FOR RESTORATION OF A LICENSE.

- (A) "LICENSE RESTORATION" IS DEFINED IN PARAGRAPH (A)(5) OF RULE 4731-10-01 OF THE ADMINISTRATIVE CODE.
- (B) ANY APPLICATION FOR LICENSE RESTORATION WILL INVOKE THE PROVISIONS OF SECTION 4731.222 OF THE REVISED CODE. THE AUTHORITY OF THE BOARD TO IMPOSE TERMS AND CONDITIONS INCLUDES THE FOLLOWING:
 - (1) REQUIRING THE APPLICANT TO OBTAIN ADDITIONAL TRAINING AND TO PASS AN EXAMINATION UPON COMPLETION OF SUCH TRAINING;
 - (2) RESTRICTING OR LIMITING THE EXTENT, SCOPE, OR TYPE OF PRACTICE OF THE APPLICANT.

Effective: May 16, 1983

CERTIFICATION: _____



MAY 2 1983

(DATE)

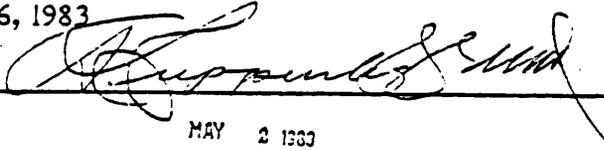
Promulgated under: R.C. Ch. 119.
Rule amplifies: R.C. 4731.222, 4731.281

4731-10-05 OUT-OF-STATE LICENSEES.

THOSE INDIVIDUALS RESIDING OR PRACTICING OUT OF THE STATE WHO WISH TO REGISTER OR REINSTATE THEIR LICENSES TO PRACTICE MEDICINE OR SURGERY, OSTEOPATHIC MEDICINE AND SURGERY, OR PODIATRY IN OHIO MUST COMPLETE THE REQUIRED CONTINUING MEDICAL EDUCATION WITHIN THE REGISTRATION PERIOD EVEN THOUGH NOT CURRENTLY RESIDING OR PRACTICING IN OHIO.

Effective: May 16, 1983

Certification



MAY 2 1983

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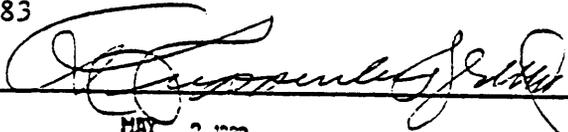
Promulgated under: R.C. Ch. 119.
Rule amplifies: R.C. 4731.281

4731-10-06 RETIRED OR NON-WORKING LICENSEES.

LICENSEES WHO ARE NOT WORKING IN THE MEDICAL PROFESSION OR WHO ARE RETIRED FROM PRACTICE ARE NOT EXEMPT FROM THE CONTINUING MEDICAL EDUCATION REQUIREMENTS OF SECTION 4731.281 OF THE REVISED CODE AND THIS CHAPTER OF THE ADMINISTRATIVE CODE.

Effective: May 16, 1983

Certification _____

A handwritten signature in cursive script, appearing to read "J. C. ...", is written over a horizontal line.

MAY 2 1983

(DATE)

Promulgated under: R.C. Ch. 119
Rule amplifies: R.C. 4731.281

4731-10-08 EVIDENCE OF CONTINUING MEDICAL EDUCATION.

(A) EACH APPLICANT FOR LICENSE REGISTRATION OR LICENSE REINSTATEMENT SHALL CERTIFY THAT HE HAS COMPLETED THE REQUISITE HOURS OF CONTINUING MEDICAL EDUCATION (HEREINAFTER "CME") SINCE THE START OF THE REGISTRATION PERIOD. THIS CERTIFICATION SHALL BE EVIDENCE OF COMPLETION OF THE CME REQUIREMENT AS SET FORTH IN SECTION 4731.281 OF THE REVISED CODE, PROVIDED THAT:

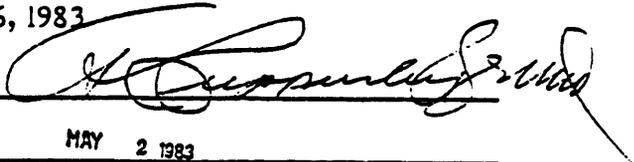
- (1) THE BOARD MAY RANDOMLY SELECT APPLICATIONS FOR VERIFICATION THAT ALL CME REQUIREMENTS HAVE BEEN MET. LICENSEES WHOSE APPLICATIONS ARE SELECTED SHALL SUBMIT ADDITIONAL DOCUMENTATION OF COMPLIANCE WITH CME REQUIREMENTS AS THE BOARD MAY REQUIRE.
- (2) APPLICANTS SHALL KEEP DETAILED RECORDS OF CME HOURS TAKEN. RECORDS OF ALL CME UNDERTAKEN SHALL BE RETAINED BY THE APPLICANT FOR ONE YEAR AFTER THE END OF THE REGISTRATION PERIOD. AT A MINIMUM, THE FOLLOWING INFORMATION MUST BE RETAINED:
 - (a) DESCRIPTION OF THE CME ACTIVITY;
 - (b) THE CATEGORY OF CME, IF APPLICABLE;
 - (c) THE LOCATION OF THE CME ACTIVITY;
 - (d) THE DATES OF ATTENDANCE;
 - (e) THE HOURS OF EACH CME ACTIVITY; AND
 - (f) ANY AVAILABLE DOCUMENTATION OF THE COMPLETION OF THE CME ACTIVITY.

ALL RECORDS OF CME ACTIVITY SHALL BE KEPT AVAILABLE FOR AGENTS OF THE BOARD FOR REVIEW.

- (B) FAILURE TO MAINTAIN RECORDS REBUTS THE PRESUMPTION ESTABLISHED IN PARAGRAPH (A) OF THIS RULE THAT THE CME REQUIREMENTS HAVE BEEN COMPLETED.
- (C) NOTHING IN THIS RULE SHALL LIMIT THE BOARD'S AUTHORITY TO INVESTIGATE AND TAKE ACTION UNDER SECTION 4731.22 OF THE REVISED CODE.

Effective: May 16, 1983

Certification _____



MAY 2 1983

(DATE)

Promulgated under: R.C. Ch. 119.
Rule amplifies: R.C. 4731.281

4731-10-10 CONTINUING MEDICAL EDUCATION REQUIREMENT FOR MID-TERM LICENSEES.

- (A) THE CONTINUING MEDICAL EDUCATION REQUIREMENT FOR INDIVIDUALS LICENSED AFTER THE START OF A REGISTRATION PERIOD SHALL BE COMPUTED ACCORDING TO "TABLE 1."

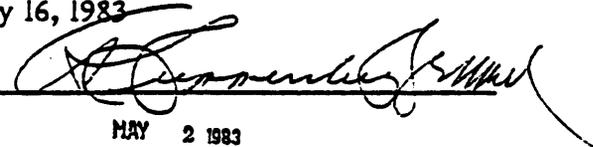
TABLE 1

<u>LICENSE INITIALLY ISSUED</u>	<u>TOTAL HOURS REQUIRED</u>
JANUARY 1 - DECEMBER 31 OF FIRST YEAR OF REGISTRATION PERIOD.	50 HOURS
JANUARY 1 - APRIL 30 OF SECOND YEAR OF REGISTRATION PERIOD.	25 HOURS
MAY 1 - DECEMBER 31 OF SECOND YEAR OF REGISTRATION PERIOD.	0

- (B) NOTHING IN THIS RULE SHALL LIMIT THE BOARD'S AUTHORITY TO REQUIRE ADDITIONAL TRAINING UNDER THE PROVISIONS OF SECTION 4731.222 OF THE REVISED CODE. TRAINING REQUIRED BY SECTION 4731.222 OF THE REVISED CODE MAY NOT BE USED TO SATISFY THE CONTINUING MEDICAL EDUCATION REQUIREMENT OF THIS RULE AND OF SECTION 4731.281 OF THE REVISED CODE.
- (C) ONLY THOSE HOURS EARNED FROM THE DATE OF INITIAL LICENSURE TO THE END OF THE REGISTRATION PERIOD SHALL BE USED TOWARDS THE TOTAL HOUR REQUIREMENT AS CONTAINED IN "TABLE 1" OF THIS RULE.

Effective: May 16, 1983

Certification


MAY 2 1983
(DATE)

Promulgated under : R.C. Ch. 119.
Rule amplifies: R.C. 4731.222, 4731.281

4731-10-11 CONTINUING MEDICAL EDUCATION REQUIREMENTS
FOLLOWING LICENSE RESTORATION.

- (A) "LICENSE RESTORATION" IS DEFINED IN PARAGRAPH (A)(5) OF RULE 4731-10-01 OF THE ADMINISTRATIVE CODE.
- (B) AFTER LICENSE RESTORATION, THE CONTINUING MEDICAL EDUCATION REQUIREMENT FOR THE REGISTRATION PERIOD SHALL BE COMPUTED ACCORDING TO "TABLE 2."

TABLE 2

<u>DATE OF RESTORATION</u>	<u>TOTAL CREDITS REQUIRED</u>
JANUARY 1 - DECEMBER 31 OF FIRST YEAR OF REGISTRATION PERIOD.	50 HOURS
JANUARY 1 - APRIL 30 OF SECOND YEAR OF REGISTRATION PERIOD.	25 HOURS
MAY 1 - DECEMBER 31 OF SECOND YEAR OF REGISTRATION PERIOD.	0

- (C) NOTHING IN THIS RULE SHALL LIMIT THE BOARD'S AUTHORITY TO REQUIRE ADDITIONAL TRAINING UNDER THE PROVISIONS OF SECTION 4731.222 OF THE REVISED CODE. TRAINING REQUIRED BY SECTION 4731.222 OF THE REVISED CODE MAY NOT BE USED TO SATISFY THE CONTINUING MEDICAL EDUCATION REQUIREMENT OF THIS RULE AND OF SECTION 4731.281 OF THE REVISED CODE.

Effective: May 16, 1983

CERTIFICATION: _____


MAY 2 1983

(DATE)

Promulgated under: R.C. Ch. 119.
Rule amplifies: R.C. 4731.222, 4731.281

4731-10-12 LICENSURE AFTER CUTOFF FOR PREPARATION OF REGISTRATION NOTICES.

THE MAILING OF REGISTRATION APPLICATIONS REQUIRES THAT A CUTOFF DATE BE ESTABLISHED FOR PREPARATION OF REGISTRATION APPLICATION NOTICES. INDIVIDUALS WHO ARE INITIALLY LICENSED BETWEEN SUCH CUTOFF DATE AND DECEMBER THIRTY-FIRST OF THE LAST YEAR OF A REGISTRATION PERIOD ARE NOT REQUIRED TO RENEW ON OR BEFORE DECEMBER THIRTY-FIRST OF THAT REGISTRATION PERIOD. THESE INDIVIDUALS SHALL NOT BE REQUIRED TO RENEW UNTIL DECEMBER THIRTY-FIRST OF THE FOLLOWING REGISTRATION PERIOD.

Effective: May 16, 1983

Certification



MAY 2 1983

(DATE)

Promulgated under R.C. Ch. 119.

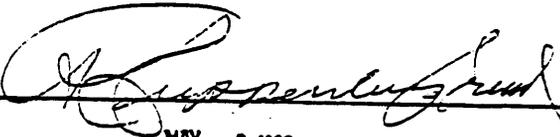
Rule amplifies: R.C. 4731.281

4731-10-13 NOTICE OF REJECTION.

A LICENSEE WHO FILES AN APPLICATION FOR REGISTRATION WITHIN THE TIME AND IN THE MANNER PROVIDED BY SECTION 4731.281 OF THE REVISED CODE AND CHAPTER 4731-10 OF THE ADMINISTRATIVE CODE SHALL NOT BE REQUIRED TO DISCONTINUE PRACTICE MERELY BECAUSE OF THE FAILURE OF THE BOARD TO ACT ON HIS APPLICATION. ACTION REJECTING SUCH APPLICATION SHALL NOT BE EFFECTIVE UNTIL FIFTEEN DAYS AFTER NOTICE OF REJECTION IS MAILED TO THE APPLICANT.

Effective: May 16, 1983

CERTIFICATION:


MAY 2 1983

(DATE)

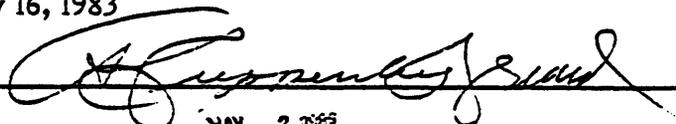
Promulgated under: R.C. Ch. 119.
Rule amplifies: R.C. 119.06, 4731.281

4731-10-14 PROPOSAL DENY REGISTRATION, REINSTATEMENT, OR RESTORATION;
NOTICE OF HEARING RIGHTS.

- (A) FAILURE TO REGISTER AND COMPLY WITH SECTION 4731.281 OF THE REVISED CODE RESULTS IN AN AUTOMATIC SUSPENSION OF ONE'S CERTIFICATE TO PRACTICE. CONTINUED PRACTICE AFTER THE SUSPENSION OF THE CERTIFICATE SHALL BE CONSIDERED AS PRACTICING WITHOUT A LICENSE.
- (B) IF THE BOARD PROPOSES TO REFUSE TO REGISTER, REINSTATE, OR RESTORE A LICENSE UNDER THE REQUIREMENTS OF SECTION 4731.281 OR 4731.222 OF THE REVISED CODE, OR BECAUSE OF A FAILURE TO MEET ANY OF THE REQUIREMENTS OF RULES 4731-10-01 TO 4731-10-14 OF THE ADMINISTRATIVE CODE, THE APPLICANT SHALL BE ENTITLED TO A HEARING ON THE ISSUE OF SUCH PROPOSED DENIAL. NOTICE AND HEARING REQUIREMENTS INCIDENT TO SUCH PROPOSED DENIAL WILL BE IN COMPLIANCE WITH THE PROVISIONS OF CHAPTER 119. OF THE REVISED CODE, INCLUDING THE FOLLOWING:
- (1) NOTICE SHALL BE GIVEN TO THE APPLICANT BY REGISTERED MAIL OF HIS RIGHT TO A HEARING;
 - (2) THE NOTICE SHALL INCLUDE THE REASON OR REASONS FOR THE PROPOSED DENIAL, THE LAW OR RULE UPON WHICH SUCH PROPOSED DENIAL IS BASED, AND A STATEMENT INFORMING THE APPLICANT HE IS ENTITLED TO A HEARING, IF HE REQUESTS IT WITHIN THIRTY DAYS OF THE TIME OF MAILING THE NOTICE;
 - (3) THE NOTICE ALSO SHALL INFORM THE APPLICANT THAT HE MAY APPEAR IN PERSON OR BY HIS ATTORNEY OR PRESENT HIS POSITION IN WRITING AND THAT AT THE HEARING HE MAY PRESENT EVIDENCE AND EXAMINE WITNESSES;
 - (4) IF AN APPLICANT TIMELY REQUESTS A HEARING, THE BOARD SHALL IMMEDIATELY SET THE TIME AND PLACE FOR SUCH HEARING AND NOTIFY THE APPLICANT THEREOF. THE DATE OF THE HEARING SHALL BE WITHIN FIFTEEN DAYS BUT NOT EARLIER THAN SEVEN DAYS AFTER THE APPLICANT HAS REQUESTED THE HEARING, UNLESS OTHERWISE AGREED TO BY BOTH PARTIES OR UNLESS THE BOARD POSTPONES OR CONTINUES THE HEARING IN ACCORDANCE WITH SECTION 119.09 OF THE REVISED CODE;
 - (5) A PARTY ADVERSELY AFFECTED BY ANY ORDER OF THE BOARD ISSUED PURSUANT TO AN ADJUDICATION HEARING MAY APPEAL TO THE COURT OF COMMON PLEAS IN THE COUNTY IN WHICH THE PLACE OF BUSINESS OF THE APPLICANT IS LOCATED OR THE COUNTY IN WHICH THE APPLICANT IS A RESIDENT. IF SUCH PARTY IS NOT A RESIDENT OR HAS NO PLACE OF BUSINESS IN OHIO, HE MAY APPEAL TO THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO.

Effective: May 16, 1983

Certification


MAY 2 1983

(DATE)

Promulgated under: 119.
Rule amplifies: 119.06, 119.07, 119.09, 119.12,
4731.22, 4731.281