

CONSENT AGREEMENT

SEP - 7 1988

BETWEEN

JOHN D. LYONS, M.D.

AND

THE STATE MEDICAL BOARD OF OHIO

This CONSENT AGREEMENT is entered into by and between JOHN D. LYONS, M.D. (hereinafter "DOCTOR LYONS"), and THE STATE MEDICAL BOARD OF OHIO (hereinafter "BOARD"), a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

DOCTOR LYONS 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.

This CONSENT AGREEMENT is entered into on the basis of the following statements, admissions, and understandings:

1. The BOARD is empowered by Section 4731.22(B) to limit, revoke, or suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for the inability to practice according to acceptable and prevailing standards of care by reason of illness, excessive use of alcohol or excessive use of controlled substances, drugs, or chemicals, or mental or physical condition.
2. DOCTOR LYONS admits that he suffers from insulin-dependent diabetes mellitus and seizures, and has done so for about twenty (20) years. Further, DOCTOR LYONS admits that a lack of proper medical control of these conditions resulted in diabetic incidents accompanied by seizures. One such incident occurred in May of 1985, while DOCTOR LYONS was on duty as an emergency room physician at Oak Hill Hospital, Oak Hill, Ohio.
3. DOCTOR LYONS admits that he is not, at the date of signing this CONSENT AGREEMENT, practicing medicine in Ohio.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, DOCTOR LYONS knowingly and voluntarily agrees with the BOARD, to the following terms and conditions:

1. DOCTOR LYONS shall abstain completely from any self-medication and from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another person so authorized by law.

2. At least ninety (90) days prior to resumption or initiation of any type of medical practice in the State of Ohio, DOCTOR LYONS shall inform the BOARD of such plans and shall submit to the BOARD, for its prior approval, a report from his treating physician as to his current medical condition.
3. Prior to resumption or initiation of any type of medical practice in Ohio, and upon the request of the BOARD, DOCTOR LYONS shall submit to physical, mental, or neurological examination by an individual chosen by the BOARD and at the BOARD's cost.
4. Within thirty (30) days of his return to the State of Ohio, DOCTOR LYONS shall submit to the BOARD for its prior approval the name and qualifications of a treating physician of his choice. Upon approval of such physician by the full BOARD, DOCTOR LYONS shall undergo and continue medical treatment of his diabetes and seizures. The treating physician shall monitor DOCTOR LYONS and provide the BOARD with reports on DOCTOR LYONS' progress and status. DOCTOR LYONS is to ensure that said reports are forwarded to the BOARD on a quarterly basis. In the event that the designated physician becomes unable or unwilling to serve in this capacity, DOCTOR LYONS must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another physician to monitor his progress and status as soon as practicable.
5. In the event that DOCTOR LYONS resumes practice in Ohio, DOCTOR LYONS shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this CONSENT AGREEMENT shall remain in force for a minimum of three (3) years prior to any request for termination of said CONSENT AGREEMENT.

If, in the discretion of the Secretary of the BOARD, DOCTOR LYONS appears to have violated or breached any terms or conditions 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.

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 LYONS 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, Revised Code, and shall become effective upon the last date of signature below.

John D. Lyons M.D.
JOHN D. LYONS, M.D.

Timothy L. Stephens M.D.
TIMOTHY L. STEPHENS, JR., M.D.
President, State Medical Board
of Ohio

18 August 1988
Date

9/7/88
Date

Donald B. Leach, Jr., Esq.
DONALD B. LEACH, JR., ESQ.
Attorney for Dr. Lyons

Henry G. Cramblett, M.D.
HENRY G. CRAMBLETT, M.D.
Secretary, State Medical Board
of Ohio

Date

9/7/88
Date

John E. Rauch D.O.
JOHN E. RAUCH, D.O.
Supervising Member, State Medical
Board of Ohio

9/7/88
Date

Cheryl J. Nester
CHERYL J. NESTER
Assistant Attorney General

Date

3645S

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

January 15, 1987

John D. Lyons, M.D.
254 Manor Drive
Beckley, WV 25801

Dear Doctor Lyons:

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 the following reason:

1. You are unable to practice according to acceptable and prevailing standards of care by reason of illness, excessive use of alcohol, excessive use of controlled substances, drugs or chemicals, or as a result of a mental or physical condition. Evidence suggesting your inability to practice medicine includes: incidents surrounding your behavior at Oak Hill Hospital on or about May 16, 1985, and impressions and diagnoses while at Ridgeview Institute in 1986.

Pursuant to Section 4731.22(B)(15), Ohio Revised Code, the Ohio State Medical Board may limit, revoke, suspend, refuse to register or reinstate a certificate or reprimand or place on probation the holder of a certificate for one or more of the above reasons.

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.

John D. Lyons, M.D.

January 15, 1987

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 the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Henry G. Cramblett".

Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures:

CERTIFIED MAIL #P 569 365 162
RETURN RECEIPT REQUESTED