

STATE MEDICAL BOARD
OF OHIO
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CONSENT AGREEMENT
BETWEEN
THOMAS J. ROMANO, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

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

THOMAS J. ROMANO, M.D. enters into this 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 stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(22), 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 "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees."
- 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)(22), Ohio Revised Code, to wit: Section 4731.22 (B)(2), Ohio Revised Code, 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. THOMAS J. ROMANO, M.D. is licensed to practice medicine and surgery in the State of Ohio.

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- D. THOMAS J. ROMANO, M.D., ADMITS that on or about September 26, 1991, he entered into a Consent Order with the West Virginia Board of Medicine, a copy of which is attached hereto and incorporated fully herein.

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

1. DOCTOR ROMANO shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio while practicing in this State including Chapter 4731-11 of the Ohio Administrative Code;
2. DOCTOR ROMANO'S patient medical records shall accurately reflect the utilization of any controlled substances in the treatment of a patient and shall indicate the diagnosis and purpose for which the controlled substance is utilized, and any additional information upon which the diagnosis is based; and
3. DOCTOR ROMANO shall not prescribe, administer or dispense controlled substances or any dangerous drug as defined by Ohio Revised Code Section 4729.02(D) for himself, his wife, or any other member of his immediate family, except in cases of medical emergency.

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR ROMANO appears to have violated or breached any terms or conditions of this Agreement, THE STATE MEDICAL BOARD OF OHIO 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 Agreement.

DOCTOR ROMANO acknowledges that he has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner.

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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.

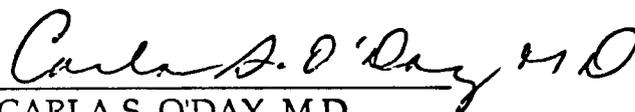
DOCTOR ROMANO hereby releases THE STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. 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.

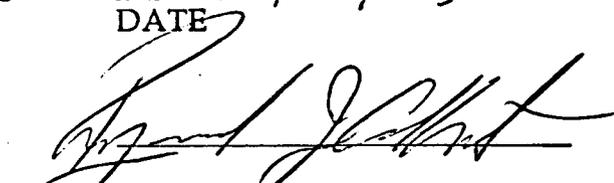
Further, this information may be reported to appropriate organizations, data banks and governmental bodies.


THOMAS J. ROMANO, M.D.

7/7/93
DATE


CARLA S. O'DAY, M.D.

Secretary 7/14/93
DATE


Supervising Member

7/14/93
DATE


ANNE C. BERRY, ESQ.
Assistant Attorney General

7/15/93
DATE



State of West Virginia

WEST VIRGINIA BOARD OF MEDICINE
101 Dee Drive
Charleston, West Virginia 25311
Telephone (304) 558-2921
Fax (304) 558-2084

CERTIFICATION

I DO HEREBY CERTIFY that the following attached document in the matter of Thomas J. Romano, M.D., is a true and accurate copy of the original document as maintained by the West Virginia Board of Medicine: (1) Consent Order dated September 26, 1991.

RONALD D. WALTON
Executive Director
West Virginia Board of Medicine

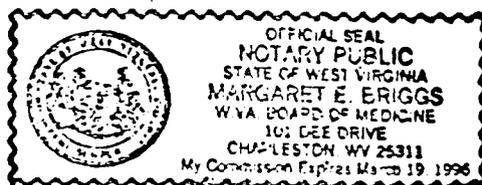


STATE OF WEST VIRGINIA
COUNTY OF KANAWHA

The foregoing instrument was acknowledged before me this 22nd day of July, 1992, by RONALD D. WALTON, Executive Director, West Virginia Board of Medicine.

My commission expires March 19, 1996.

MARGARET E. BRIGGS
Notary Public



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STATE MEDICAL BOARD

- PRESIDENT
Catterson, M.D.
Martinsville
- VICE PRESIDENT
Jesus Tan Ho, M.D.
Moundsville
- SECRETARY
William T. Wallace, Jr., M.D., M.P.H.
Charleston
- COUNSEL
Deborah Lewis Rodecker
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- EXECUTIVE DIRECTOR
Ronald D. Walton
Charleston

- Sarjit Singh, M.D.
Weirton
- Joseph Szeggs, M.D.
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- Mrs. Sylvia Spear
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- Michael Grome, P.A.-C.
Hamlin
- John J. Mahood, M.D.
Bluefield
- Leonard Simmons, D.P.M.
Clarksburg

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

THOMAS J. ROMANO, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Thomas J. Romano, M.D., ("Dr. Romano") freely and voluntarily enter into the following Order pursuant to the West Virginia Code §30-3-14(n):

FINDINGS OF FACT

1. Dr. Romano currently holds a license to practice medicine and surgery in West Virginia, License No. 13078, and practices medicine in Wheeling, West Virginia.

2. In May, 1991, the Board initiated a complaint against Dr. Romano alleging that Dr. Romano was prescribing Scheduled controlled substances to his wife and was maintaining no medical records of his care and treatment of his wife.

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3. Dr. Romano filed a response denying the Board's allegations and appeared for a full discussion of the matter before the Complaint Committee of the Board in September, 1991.

4. Dr. Romano has expressed the desire to enter into this Consent Order with the Board in lieu of proceeding to hearing on any charges the Board may file against him.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine has a mandate pursuant to West Virginia Code §30-3-1 to protect the public interest.

2. Probable cause exists to file charges against Dr. Romano pursuant to the provisions of West Virginia Code §30-3-14(c)(11) and (17) and 11 CSR 1A 12.1(u), pertaining to failing to maintain medical records justifying the course of treatment of a patient, such records to include, but not be limited to, patient histories, examinations, and test results and treatment rendered, if any.

3. The Board has determined that it is appropriate to waive the commencement of proceedings against Dr. Romano and to proceed without the filing of charges, or a formal Complaint and Notice of Hearing, provided that a condition and limitation is placed upon Dr. Romano's license to practice medicine and surgery in West Virginia.

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CONSENT

Thomas J. Romano, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order to the following:

1. Dr. Romano acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, et seq.;

2. Dr. Romano acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him;

3. Dr. Romano waives all rights to such a hearing;

4. Dr. Romano consents to the entry of this Order relative to his practice of medicine in the State of West Virginia; and,

5. Dr. Romano understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank.

ORDER

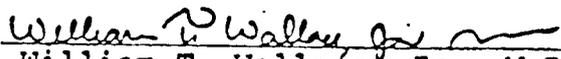
WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, the Board hereby ORDERS that Dr. Romano is to cease and desist from prescribing controlled substances to his wife.

Failure of Dr. Romano to comply with the terms of this Consent Order shall constitute grounds for the revocation of his license to practice medicine and surgery in West Virginia.

WEST VIRGINIA BOARD OF MEDICINE


S. Eileen Catterson, M.D.
President

Date: 09-16-91


William T. Wallace, Jr., M.D., M.P.H.
Secretary

Date: 9-16-91


Thomas J. Romano, M.D.

Date: 9/26/91

STATE PUBLIC BOARD
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STATE OF WEST VIRGINIA

COUNTY OF Ohio, to-wit:

I, Helen A. Brenginger, a Notary Public for
said county and state do hereby certify that Thomas J. Romano,
M.D., whose name is signed on the previous page, has this day
acknowledged the same before me.

Given under my hand this 26 day September
of September, 1991.

My Commission expires June 12, 1995.

Helen A. Brenginger
NOTARY PUBLIC

