

CONSENT AGREEMENT  
BETWEEN  
CHARLES JOINER, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO

THIS CONSENT AGREEMENT is entered into by and between CHARLES M. JOINER, M.D. and THE STATE MEDICAL BOARD OF OHIO, a State agency charged with enforcing Chapter 4731, Ohio Revised Code.

CHARLES M. JOINER, M.D. enters into this Agreement being fully informed of his rights under Chapter 119, Ohio Revised Code, including his 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:

1. The STATE MEDICAL BOARD OF OHIO is empowered by section 4731.22(A), Ohio Revised Code, 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 committing fraud, misrepresentation or deception in applying for or securing any license or certificate issued by the THE STATE MEDICAL BOARD.
2. CHARLES M. JOINER, M.D. is licensed to practice medicine and surgery in the State of Ohio.
3. CHARLES M. JOINER, M.D. admits that in applying for registration of his certificate to practice medicine or surgery for 1987, he certified that he completed during the last registration period (January 1, 1985 through December 31, 1986) the requisite hours of Continuing Medical Education as required by Section 4731.281, Ohio Revised Code.
4. CHARLES M. JOINER, M.D. admits that by letter dated July 22, 1987, he was notified by THE STATE MEDICAL BOARD that he was required to complete a log listing his Continuing Medical Education and to provide documentation that he had actually attended 40 hours of Category I credits. He was again notified of this requirement by letter dated September 21, 1987.

5. CHARLES M. JOINER, M.D. admits that he failed to respond to either notice and that such omission constitutes "fraud, misrepresentation or deception in applying for or securing any license or certificate issued by the THE STATE MEDICAL BOARD," as that clause is used in Section 4731.22(A), Ohio Revised Code.
6. THE STATE MEDICAL BOARD OF OHIO admits that pursuant to subsequent documentation submitted by CHARLES M. JOINER, M.D., that he satisfied the requisite number of Continuing Medical Education hours.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, CHARLES M. JOINER, M.D. knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO to the following probationary terms, conditions, and limitations:

1. CHARLES M. JOINER, M.D. shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. CHARLES M. JOINER, M.D. agrees to complete an additional twenty (20) hours of Continuing Medical Education Category I credits for the biennium 1989-90 and provide documentation to the THE STATE MEDICAL BOARD of such completion.
3. CHARLES M. JOINER, M.D. shall submit documentation acceptable to the THE STATE MEDICAL BOARD of satisfactory completion of requisite hours of Continuing Medical Education for the next three (3) biennial registration periods (87-88, 89-90, 91-92). This documentation shall be due in the THE STATE MEDICAL BOARD'S offices within thirty (30) days of re-registration.

If, in the discretion of the Secretary of the STATE MEDICAL BOARD OF OHIO, DOCTOR JOINER 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.

Any action initiated by the THE STATE MEDICAL BOARD based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

DOCTOR JOINER hereby releases the STATE MEDICAL BOARD, its Members, employees, agents and officers 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.

Charles M. Joiner, M.D.  
CHARLES M. JOINER, M.D.

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

11/23/88  
DATE

11/28/88  
DATE

James Celebrezze  
JAMES CELEBREZZE  
Attorney for Charles M.  
Joiner, M.D.

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

Nov 23 1988  
DATE

11/30/88  
DATE

Rachel L. Belenker  
RACHEL L. BELENKER  
Assistant Attorney General

November 22, 1988  
DATE

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

November 11, 1987

Charles M. Joiner, Jr., M.D.  
2033 Cornell Road, #9  
Cleveland, Ohio 44106

Dear Doctor Joiner:

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 applying for registration of your certificate to practice medicine or surgery for the current registration period, you certified that you had completed during the last registration period (January 1, 1985 through December 31, 1986) the requisite hours of Continuing Medical Education, as required by Section 4731.281, Ohio Revised Code.
2. By letter dated July 22, 1987, you were notified by the State Medical Board that you were required to complete a log listing your Continuing Medical Education, and to provide documentation that you had actually attended 40 hours of Category I credits. You were again notified of this requirement by letter dated September 21, 1987. You failed to respond to either notice, and have submitted no documentation of C.M.E. completed during the 1985-1986 registration period.
3. The failure to respond to the notices as detailed in the above Paragraph 2 established that you did not complete the requisite hours of Continuing Medical Education, and/or that you failed to keep detailed records of C.M.E. hours taken.

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The acts and omissions as alleged in the above Paragraphs (1) and (3), individually and/or collectively, constitute "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.

Further, such acts as alleged in the above paragraphs (1) and (3), individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement", as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, such acts as alleged in the above paragraphs (1) and (3), individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this Chapter or any rule promulgated by the Board", as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, (Section 4731.22(B)(16), Ohio Revised Code, prior to March 17, 1987) to wit: Section 4731.281, Ohio Revised Code, and Rule 4731-10-03, Ohio Administrative Code.

Further, such acts as alleged in the above Paragraph (2), individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of this Chapter or any rule promulgated by the Board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, (Section 4731.22(B)(16), Ohio Revised Code, prior to March 17, 1987) to wit: Section 4731.281, Ohio Revised Code, and Rule 4731-10-08, Ohio Administrative 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, 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.

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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,



Henry G. Cramblett, M.D.  
Secretary

HGC:caa

enclosures

CERTIFIED MAIL RECEIPT NO. P 026 073 389  
RETURN RECEIPT REQUESTED