

**CONSENT AGREEMENT
BETWEEN
SUDESH S. REDDY, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO
CASE NO. 09-CRF-135**

This Consent Agreement is entered into by and between Sudesh S. Reddy, M.D., [Dr. Reddy], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapters 4730. and 4731., Ohio Revised Code.

Dr. Reddy 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 Board is empowered by Section 4731.22(B), 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 violation of Sections 4731.22(B)(20), Ohio Revised Code, for "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."
- B. The Board enters into this Consent Agreement in lieu of additional formal proceedings based upon the violation of Sections 4731.22(B)(20), (B)(10) and (B)(12) Ohio Revised Code, as set forth in the Notice of Opportunity for Hearing dated October 14, 2009. The Board 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. Dr. Reddy is licensed to practice medicine and surgery in the State of Ohio, License number 35.053263.
- D. Dr. Reddy states that he is not licensed to practice in any other state or jurisdiction.
- E. The parties stipulate and agree that this agreement is entered into in lieu of further formal disciplinary proceedings in Case No. 09-CRF-135, as set forth in the Notice of Opportunity for Hearing issued by the Board on October 14, 2009 ("Notice of Opportunity"), a copy of which is attached hereto as Exhibit A and

fully incorporated herein. Dr. Reddy hereby admits to the factual and legal allegations regarding his delegation of medical tasks to a supervised, unlicensed physician assistant and admits to such conduct alleged by the Board in the notice letter in paragraph 3. Dr. Reddy admits that his supervision of the physician assistant was not in accordance with O.A.C. rule 4731-23-02 (Delegation of Medical Tasks) and in violation of R.C. 4731.22(B)(20). Further, upon this Consent Agreement becoming effective, the Board hereby dismisses the additional claimed legal violations of R.C. 4731.22(B)(10) and (B)(12) alleged in the aforementioned Notice of Opportunity for hearing in paragraphs 1-3.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Dr. Reddy knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

REPRIMAND

1. Dr. Reddy is hereby REPRIMANDED for his conduct as set forth in Paragraph E, above.

REQUIRED REPORTING BY LICENSEE

2. Within thirty days of the effective date of this Consent Agreement, Dr. Reddy shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Reddy shall promptly 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. In the event that Dr. Reddy provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Reddy shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Reddy shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission

of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

3. Within thirty days of the effective date of this Consent Agreement, Dr. Reddy shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he/she currently holds any license or certificate. Dr. Reddy further agrees to provide a copy of this Consent Agreement 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. Dr. Reddy shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
4. Dr. Reddy shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Reddy 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 Dr. Reddy has violated any term, condition or limitation of this Consent Agreement, Dr. Reddy agrees that the violation, as alleged, also constitutes clear and convincing evidence that his/her 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

The reprimand of Dr. Reddy shall not terminate. Further, Dr Reddy shall not request termination of the other terms of this consent agreement for a minimum of two years.

In the event that the Board initiates future formal proceedings against Dr. Reddy, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

In the event that any term, limitation, or condition contained in this Consent Agreement is determined to be invalid by a court of competent jurisdiction, Dr. Reddy and the Board agree that all other terms, limitations, and conditions contained in this Consent Agreement shall be unaffected.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Reddy 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.

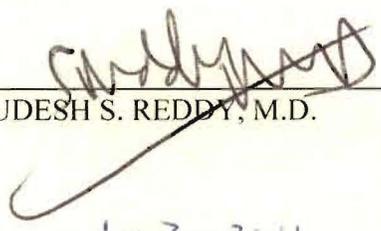
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Reddy 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, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Reddy acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

EFFECTIVE DATE

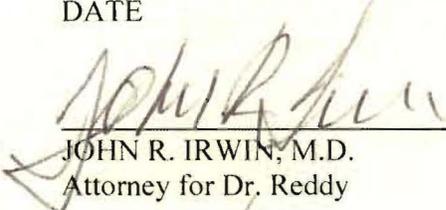
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.



SUDESH S. REDDY, M.D.

1-3-2011

DATE



JOHN R. IRWIN, M.D.
Attorney for Dr. Reddy

11/23/11

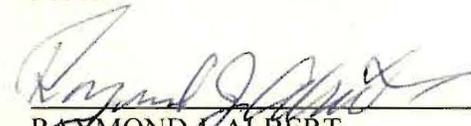
DATE



LANCE A. TALMAGE, M.D.
Secretary

1-12-11

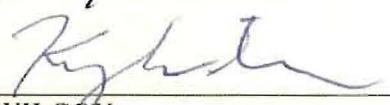
DATE



RAYMOND J. ALBERT
Supervising Member

1/12/11

DATE



KYLE C. WILCOX
Assistant Attorney General

1/10/11

DATE

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

October 14, 2009

Case number: 09-CRF- **135**

Sudesh S. Reddy, M.D.
878 Edwards Glen
Marion, Ohio 43302

Dear Doctor Reddy:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) From in or around August 2007 to in or around January 2008, you had within your employ and/or working in your medical practice Geoffrey Schultz, a person who completed the course of instruction required for a physician assistant, but he did not pass the NCCPA examination and had not been issued a certificate to practice as a physician assistant by the Board.

From in or around August 2007 to in or around January 2008, you repeatedly allowed this person to practice as a physician assistant by performing the duties and services of a physician assistant, including but not limited to the following:

- Obtaining a patient history;
- Performing a physical examination of a patient;
- Performing a prostate examination of a patient;
- Identifying normal and abnormal findings on a patient history;
- Identifying normal and abnormal findings on a patient physical examination;
- Assessing a patient;
- Developing a treatment plan for a patient;
- Monitoring the effectiveness of a patient therapeutic intervention;
- Removing sutures from a patient's lacerations;
- Removing a patient's splint.

Mailed 10-15-09

- (2) Although you claimed that you allowed the above-identified person to perform these duties and services as part of the person's training or education, the training or education was not provided pursuant to an approved training program or course of instruction, nor was the person a student or registered in any formal training program or course of instruction at the time you allowed the person to perform the duties and services and/or act as a physician assistant.
- (3) From in or around August 2007 to in or around January 2008, you acted as a supervising physician of the person and allowed the person to practice as a physician assistant by performing the duties and services of a physician assistant, without first having in place a supervision agreement, approved by the Board and entered into with the physician assistant.

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (2) and (3) above, 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, to wit: Rule 4731-23-02, Ohio Administrative Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1), (2) and (3) above, individually and/or collectively, constitute "[c]ommission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(12), Ohio Revised Code, to wit: Complicity, in violation of Section 2923.03(A), Ohio Revised Code, aiding and abetting another in committing a violation of Sections 4730.02(A), (B) and (E). Pursuant to Section 4730.99(A), Ohio Revised Code, a violation of Section 4730.02, Ohio Revised Code, constitutes a misdemeanor of the first degree on a first offense.

Additionally, your acts, conduct, and/or omissions as alleged in paragraphs (1), (2) and (3) above, individually and/or collectively, constitute "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Complicity, in violation of Section 2923.03(A), Ohio Revised Code, aiding and abetting another in committing a violation of Sections 4730.02(A), (B) and (E), Ohio Revised Code. Pursuant to Section 4730.99(A), Ohio Revised Code, a violation of Section 4730.02, Ohio Revised Code, constitutes a felony of the fourth degree on each offense subsequent to the first offense.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1), (2) and (3) above, individually and/or collectively, constitute "[c]ommission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(12), Ohio

Revised Code, to wit: Section 4730.02(C), Ohio Revised Code. Pursuant to Section 4730.99(A), Ohio Revised Code, a violation of Section 4730.02, Ohio Revised Code, constitutes a misdemeanor of the first degree on a first offense.

Additionally, your acts, conduct, and/or omissions as alleged in paragraphs (1), (2) and (3) above, individually and/or collectively, constitute “[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 4730.02(C), Ohio Revised Code. Pursuant to Section 4730.99(A), Ohio Revised Code, a violation of Section 4730.02, Ohio Revised Code, constitutes a felony of the fourth degree on each offense subsequent to the first offense.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Complicity, in violation of Section 2923.03(A), Ohio Revised Code, aiding and abetting another in committing a violation of Section 4731.41, Ohio Revised Code. Pursuant to Section 4731.99, Ohio Revised Code, a violation of Section 4731.41, Ohio Revised Code, constitutes a felony.

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, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, 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 received within thirty 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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not

Sudesh S. Reddy, M.D.

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accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink that reads "Lance A. Talmage MD". The signature is written in a cursive style with a large, looped initial "L".

Lance A. Talmage, M.D.
Secretary

LAT/CDP/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3070 4251
RETURN RECEIPT REQUESTED