

**CONSENT AGREEMENT  
BETWEEN  
KAREN A. CLEMENCY, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between KAREN A. CLEMENCY, M.D., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

DOCTOR CLEMENCY voluntarily enters into this Consent Agreement being fully informed of her 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 contains the entire Consent Agreement between the parties, there being no other Consent Agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

**BASIS FOR ACTION**

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), 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 any of the enumerated violations.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of further formal proceedings based upon the violations of Section 4731.22, Ohio Revised Code, set forth in the Notice of Opportunity for Hearing issued by the BOARD on December 13, 2000, attached hereto as Exhibit A and incorporated herein by this reference. The BOARD expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4731 of the Ohio Revised Code whether occurring before or after the effective date of this Consent Agreement.
- C. DOCTOR CLEMENCY ADMITS the factual and legal allegations set forth in the Notice of Opportunity for Hearing issued by the BOARD on December 13, 2000.

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**AGREED CONDITIONS**

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, DOCTOR CLEMENCY knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

**SUSPENSION OF CERTIFICATE**

- I. The certificate of KAREN A. CLEMENCY, M.D. to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than thirty (30) days. Such suspension shall become effective immediately upon the effective date of this Consent Agreement. In accordance with such suspension, DOCTOR CLEMENCY shall promptly surrender her current wallet registration card and wall certificate to the BOARD or its designee. Any period of suspension in effect prior to receipt by the BOARD or its designee of the current wallet registration card and wall certificate shall not apply toward the minimum period of suspension specified by this Consent Agreement. Upon completion of the suspension period and reinstatement of DOCTOR CLEMENCY'S license, the wall certificate and a current wallet registration card will be promptly returned to DOCTOR CLEMENCY.

**CONDITIONS FOR REINSTATEMENT**

- II. The STATE MEDICAL BOARD shall not consider reinstatement of DOCTOR CLEMENCY'S certificate to practice unless and until all of the following minimum requirements are met:
  - A. DOCTOR CLEMENCY shall submit an application for reinstatement, accompanied by appropriate fees.
  - B. DOCTOR CLEMENCY shall take and pass a BOARD-administered examination on the laws governing the practice of physician assistants in Ohio.
  - C. In the event that DOCTOR CLEMENCY has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to reinstatement, the BOARD may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of DOCTOR CLEMENCY'S fitness to resume practice.

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**PROBATIONARY CONDITIONS**

III. Following reinstatement, DOCTOR CLEMENCY'S certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for an indefinite period of time, but not less than five (5) years:

- A. DOCTOR CLEMENCY shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
- B. DOCTOR CLEMENCY shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the BOARD'S offices on the first day of the third month following the month of DR. CLEMENCY'S reinstatement, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the BOARD'S offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the BOARD'S offices on or before the first day of every third month.
- C. DOCTOR CLEMENCY shall appear every six months in person for interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness she is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR CLEMENCY written notification of scheduled appearances, it is DOCTOR CLEMENCY'S responsibility to know when personal appearances will occur. If she does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR CLEMENCY shall immediately submit to the BOARD a written request to be notified of her next scheduled appearance.

- D. DOCTOR CLEMENCY shall keep a log of all controlled substances prescribed, personally furnished or administered. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR CLEMENCY'S personal appearance before the BOARD or its

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designated representative, or as otherwise directed by the BOARD.

- E. Within the first year of probation, or as otherwise directed by the BOARD, DOCTOR CLEMENCY shall provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to prior approval of the BOARD or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for re-licensure for the Continuing Medical Education acquisition period(s) in which they are completed.

**REQUIRED REPORTING BY LICENSEE**

- IV. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR CLEMENCY shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, DOCTOR CLEMENCY shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments.
- V. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR CLEMENCY shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license. DOCTOR CLEMENCY further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which she applies for any professional license or reinstatement of any professional license. Further, DOCTOR CLEMENCY shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

**FAILURE TO COMPLY**

DOCTOR CLEMENCY agrees that if any declaration or report required by this Consent Agreement is not received in the BOARD'S offices on or before its due date, DOCTOR CLEMENCY shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

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If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR CLEMENCY appears to have violated or breached any term or condition of this Consent 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 Consent Agreement.

**DURATION/MODIFICATION OF TERMS**

DOCTOR CLEMENCY shall not request modification to the probationary terms, limitations and conditions contained herein for at least one (1) year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

Periods of time during which DOCTOR CLEMENCY'S certificate to practice medicine and surgery is inactive due to nonpayment of renewal fees will not apply to the reduction of the probationary time periods set forth in this Consent Agreement, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that the purposes of the probationary monitoring will be fulfilled.

**ACKNOWLEDGMENTS/LIABILITY RELEASE**

DOCTOR CLEMENCY acknowledges that she 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.

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

**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.

Karen A Clemency, MD  
DOCTOR CLEMENCY

3-6-01

DATE

Patrick Smith

PATRICK SMITH, ESQ.  
Dr. Clemency's Attorney

3-6-01

DATE

Anand G. Garg

ANAND G. GARG, M.D.  
Secretary

4/11/01

DATE

Raymond J. Albert  
RAYMOND J. ALBERT  
Supervising Member

4/11/01

DATE

Hanz R. Wasserburger

HANZ R. WASSERBURGER  
Assistant Attorney General

4/11/01

DATE



# State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

December 13, 2000

Karen Alice Clemency, M.D.  
Dennison Avenue Medical Center  
1020 Dennison Avenue  
Columbus, Ohio 43201

Dear Doctor Clemency:

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, permanently 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) Since in or about 1992, you have worked at the Dennison Avenue Medical Center. Up until in or about October of 1998, it was standard office procedure for you to pre-sign prescription blanks and leave them for other employees to complete.

On or about October 16, 1998, you were shown the following prescriptions written for controlled substances for Patient 1 (as identified on the attached Patient Key - Key confidential and not subject to public disclosure):

<u>Drug</u>	<u>Quantity</u>	<u>Date issued</u>
Adipex P	14	December 8, 1997
Adipex P	14	December 22, 1997
Adipex P	14	January 5, 1998
Adipex P	14	January 19, 1998
Adipex P	14	February 5, 1998
Adipex P	14	February 19, 1998

On October 16, 1998, you acknowledged that although these six prescriptions bear your signature, you did not authorize them. You added that the patient's name, the drug, the strength, and the direction for use appear to have been written by Patient 2 (as identified on the attached Patient Key - Key confidential and not subject to public disclosure) who was also your Physician Assistant, and that you had given Patient 2 pre-signed blank prescriptions.

*Mailed 12-14-00*

- (2) You saw Patient 2 as a patient on the following dates: May 10, 1993; April 27, 1995; July 31, 1995; August 2, 1995; August 3, 1995; October 10, 1995; November 1, 1995; March 1, 1996; April 3, 1995; April 25, 1996; May 11, 1996; May 24, 1996; January 20, 1997; March 21, 1998; November 9, 1998; and November 18, 1998. On these dates you tendered medical care to Patient 2 including but not limited to ordering an injection, prescribing medication for him, and discussing his medical well-being.

You admitted that you and Patient 2 had a "romantic relationship" from in or about April of 1997 to in or about August of 1998. Further, you admitted that said "romantic relationship" included a sexual relationship.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "[c]ommission of an act that constitutes a misdemeanor in this state regardless of the jurisdiction in which the act was committed, if the act was committed in the course of practice," as that clause is used in Section 4731.22(B)(12), Ohio Revised Code, as in effect prior to March 9, 1999, to wit: Section 3719.99(E), Ohio Revised Code, "Penalties," to wit: Section 3719.06(A), Ohio Revised Code, "Authority of Licensed Health Professional; Contents of Prescription," as in effect prior to July 22, 1998.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) 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 4731-4-03(C), Ohio Administrative Code, "Prohibitions," as in effect prior to September 1, 2000.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[v]iolation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations as are determined, by rule, by the state medical board," as that clause is used in Section 4731.22(B)(18), Ohio Revised Code, as in effect prior to March 9, 1999, to wit: American Medical Association Principles of Ethics I, II, and IV.

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 (30) days of the time of mailing of this notice.

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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 (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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, 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 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,



Anand G. Garg, M.D.  
Secretary

AGG/krt  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5140 3839  
RETURN RECEIPT REQUESTED

Duplicate mailing to: 8674 Gavington Court  
Dublin, Ohio 43017

CERTIFIED MAIL # 7000 0600 0024 5140 3921  
RETURN RECEIPT REQUESTED

cc: Patrick F. Smith, Esq.

CERTIFIED MAIL # 7000 0600 0024 5140 3891  
RETURNED RECEIPT REQUESTED