

**CONSENT AGREEMENT
BETWEEN
MICHAEL A. BAIN, MD
AND
THE STATE MEDICAL BOARD OF OHIO**

THIS CONSENT AGREEMENT is entered into by and between Michael A. Bain, MD, and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Michael A. Bain, MD 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)(20), 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 "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 STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22 (A), 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 committing "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board."
- C. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22 (B)(5), 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 "publishing a false, fraudulent, deceptive, or misleading statement."

- D. THE STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Sections 4731.22(A), (B)(5) and (B)(20) as detailed in Paragraphs F and G below, 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.
- E. Michael A. Bain, MD, is licensed to practice medicine and surgery in the State of Ohio, with certificate number #55516.
- F. Michael A. Bain, MD, ADMITS that in completing *his* application card for renewal of his certificate to practice medicine or surgery for the 1994 - 1996 biennial registration period, *he* did certify that *he* had completed during the preceeding biennium the requisite hours of continuing medical education, as required by Section 4731.281, Ohio Revised Code.
- G. Michael A. Bain, MD, ADMITS that, in fact, *he* had not completed the requisite hours of continuing medical education as required by Section 4731.281, Ohio Revised Code, at the time of certification, but did complete the requisite hours subsequently.

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

1. DOCTOR Bain shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. Within thirty (30) days following the completion of each of the next three (3) continuing medical education acquisition periods following the effective date of this agreement, DOCTOR Bain shall submit to the attention of the BOARD's Compliance Officer documentation acceptable to the BOARD of satisfactory completion of the requisite hours of continuing medical education;
3. Should DOCTOR Bain elect not to renew *his* Ohio certificate to practice medicine and surgery during the duration of this consent agreement, DOCTOR Bain shall notify the BOARD in writing. Periods of time during which DOCTOR Bain does not maintain *his* license as current will not apply

to the reduction of the three (3) biennial registration periods for which documentation must be submitted.

If, in the discretion of the Secretary of THE STATE MEDICAL BOARD OF OHIO, DOCTOR Bain appears to have violated or breached any term or condition 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.

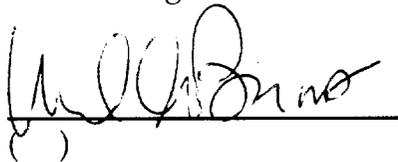
DOCTOR Bain acknowledges that he has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner.

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 Bain 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.

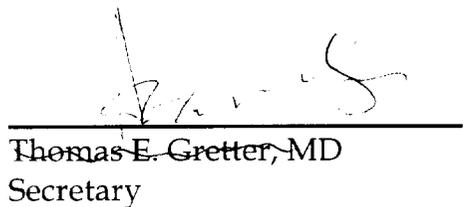
This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and shall become effective upon the last date of signature below.

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



11-14-97

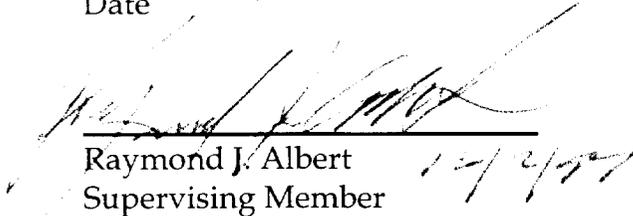
Date



Thomas E. Gretter, MD
Secretary

12/24/97

Date



Raymond J. Albert
Supervising Member

12/4/97

Date



Anne Berry Strait
Assistant Attorney General

12/16/97

Date

Revised 9/15/97

RECEIVED
FEB 11 1998
STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE