

**CONSENT AGREEMENT
BETWEEN
BILLY MICHAEL NICHOLS, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Billy Michael Nichols, M.D. [Dr. Nichols], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Nichols 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 violations of Section 4731.22(B)(12), Ohio Revised Code, “[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, to wit, Section 4730.99(A), Ohio Revised Code, for violation of Section 4730.02(C), Ohio Revised Code; and/or for violation of Section 4731.22(B)(20), Ohio Revised Code, “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,” to wit: Rule 4731-4-05(A), Ohio Administrative Code.
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Section 4731.22(B)(12), Ohio Revised Code, to wit, Section 4730.99(A), Ohio Revised Code; and Section 4731.22(B)(20), Ohio Revised Code, to wit, Rule 4731-4-05(A), Ohio Administrative Code, as set forth in Paragraph E, below, and expressly reserves the right to institute formal proceedings based upon any

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other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.

- C. Dr. Nichols is licensed to practice medicine and surgery in the State of Ohio, License # 35-057408.
- D. Dr. Nichols states that he is also licensed to practice medicine and surgery in the State of Georgia.
- E. Dr. Nichols and the Board agree that in January 1999, the Board issued to Rodney Hillman, P.A., [Mr. Hillman] a certificate of registration as a physician assistant in the State of Ohio, and that such certificate of registration expired on January 31, 2000, for failure to renew, and remained inactive until restored by the Board in December 2003. Dr. Nichols admits that he employed Mr. Hillman as a physician assistant from February 1, 2000, through in or about April 2002, although Mr. Hillman did not hold a current, valid certificate of registration as a physician assistant. Dr. Nichols states that he was unaware that Mr. Hillman's certificate of registration as a physician assistant had expired.

Dr. Nichols and the Board further agree that, together with Marcus L. Cobb, M.D., Dr. Nichols obtained approval from this Board for a Physician Assistant Supervision Agreement with Mr. Hillman, which became effective on May 13, 1999, and expired on January 31, 2001. Dr. Nichols admits that he employed the services of and supervised Mr. Hillman as his physician assistant from February 1, 2001, through in or about April 2002, without a current Board-approved Physician Assistant Supervision Agreement.

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. Nichols knowingly and voluntarily agrees with the Board to the following:

REPRIMAND

Dr. Nichols shall be and is hereby REPRIMANDED.

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REQUIRED REPORTING BY LICENSEE

Within thirty days of the effective date of this Consent Agreement, Dr. Nichols shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, for a period of five years following the effective date of this Consent Agreement, Dr. Nichols shall 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.

Within thirty days of the effective date of this Consent Agreement, Dr. Nichols 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 he currently holds any professional license. Further, for a period of five years following the effective date of this Consent Agreement, Dr. Nichols 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 he applies for any professional license or for reinstatement of any professional license. Further, Dr. Nichols shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Nichols 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. Nichols 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, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Nichols agrees to provide his social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

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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.

B. Nichols MD
BILLY MICHAEL NICHOLS, M.D.

L. A. Talmage MD
LANCE A. TALMAGE, M.D.
Secretary

3-24-04
DATE

4-15-04
DATE

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member

4/13/04
DATE

Karen Mortland
KAREN MORTLAND
Enforcement Attorney

3/26/04
DATE