

**CONSENT AGREEMENT  
BETWEEN  
SUSAN R. KIRSH, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

SUSAN R. KIRSH, M.D., 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 8, 1999, 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. SUSAN R. KIRSH, M.D., was licensed to practice medicine and surgery in the State of Ohio on August 2, 1993. That license lapsed on or about September 30, 1994. At the time that her Ohio license lapsed, DR. KIRSH was living in Illinois.

**Susan R. Kirsh, M.D.**

**Consent Agreement**

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- D. SUSAN R. KIRSH, M.D., STATES that she is currently licensed to practice medicine and surgery in Illinois and obtained that license in August, 1994.
- E. SUSAN R. KIRSH, M.D., applied for restoration of her Ohio license on November 8, 1998. That application is pending.
- F. SUSAN R. KIRSH, M.D., ADMITS that, in her capacity as an employee for the Cleveland VA, for approximately a ten-day period on or about May 1998, she did oversee residents who provided consulting services to four patients at Case Western University Hospital. This conduct, which occurred while DR. KIRSH's Ohio license was inactive, was in violation of R.C. 4731.22(B)(20) to wit: Section 4731.41 [as in effect prior to March 9, 1999], as more fully set forth in the December 9, 1999 Notice of Opportunity for Hearing.

#### **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, SUSAN R. KIRSH, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

#### **Restoration of Certificate**

- 1. DOCTOR KIRSH's application for restoration of her certificate to practice medicine and surgery in the State of Ohio shall be granted upon the effective date of this Consent Agreement.

#### **Reprimand**

- 2. DOCTOR KIRSH is hereby REPRIMANDED for the conduct set forth in paragraph F set forth above.

#### **Dismissal of Certain Allegations**

- 3. The BOARD hereby DISMISSES the specific allegations that the conduct of SUSAN R. KIRSH, M.D., constituted violations of R.C. 4731.22(A), R.C. 4731.22(B)(5) and R.C. 4731.22(B)(12) [as in effect prior to March 9, 1999] as set forth in the December 9, 1999 Notice of Opportunity for Hearing.

**Required Reporting by Licensee**

4. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR KIRSH 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 KIRSH 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.
5. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR KIRSH 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 KIRSH 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 KIRSH 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**

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR KIRSH 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.

**ACKNOWLEDGMENTS/LIABILITY RELEASE**

DOCTOR KIRSH 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 KIRSH 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.

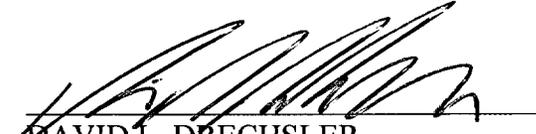
This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

**EFFECTIVE DATE**

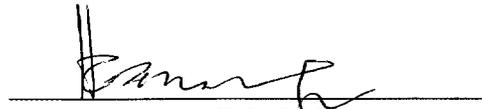
It is expressly understood that this Consent Agreement is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
DOCTOR KIRSH

5-20-00  
DATE

  
DAVID L. DRECHSLER  
Attorney for Dr. Kirsh

5-24-00  
DATE

  
ANAND G. GARG, M.D.  
Secretary

06/14/00  
DATE

  
RAYMOND J. ALBERT  
Supervising Member

6/14/00  
DATE

  
REBECCA J. ALBERS  
Assistant Attorney General

6/14/00  
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 8, 1999

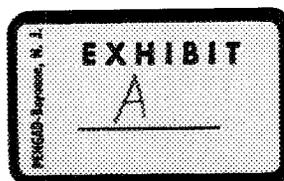
Susan Riga Kirsh, M.D.  
5489 Towbridge Drive  
Hudson, OH 44236

Dear Doctor Kirsh:

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) On or about August 2, 1993, you were granted a license to practice medicine and surgery by the State Medical Board of Ohio. Your license to practice medicine and surgery in Ohio lapsed on or about September 30, 1994.
- (2) On or about April 27, 1997, you applied for privileges to practice medicine at Case Western Reserve University Hospitals ["CWRUH"], and you were granted privileges on or about November 5, 1997, despite your awareness that you were not currently licensed in Ohio. You acted as the "attending consulting physician" on at least four patients between May 8 and May 14, 1998 at CWRUH, and you introduced yourself to patients as "Doctor Kirsh." You received compensation for performing your duties as an Assistant Professor at CWRUH during this time period, which duties included acting as an attending consulting physician for out-patients and in-patients.
- (3) On or about November 9, 1998, you submitted an application for restoration of your license to practice medicine and surgery in Ohio to the State Medical Board of Ohio ("Application"). That Application is currently pending. In the resume section of that Application, which required you to list "ALL activities in chronological order since the lapse of your Ohio license to the present time", you failed to mention your association or any activities with CWRUH.

Your acts, conduct, and/or omissions as alleged in paragraph (2) 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),



*Mailed 12/9/99*

Ohio Revised Code, as in effect prior to March 9, 1999, to wit: Section 4731.41, Ohio Revised Code, as in effect prior to March 9, 1999. Pursuant to Section 4731.99, Ohio Revised Code, as in effect prior to March 9, 1999, violation of Section 4731.41, Ohio Revised Code, constitutes a misdemeanor offense.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) 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, as in effect prior to March 9, 1999, to wit: Section 4731.41, Ohio Revised Code, as in effect prior to March 9, 1999.

Further, your acts, conduct, and/or omissions as alleged in paragraph (3) above, 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, as in effect prior to March 9, 1999.

Further, your acts, conduct, and/or omissions as alleged in paragraph (3) above, 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, as in effect prior to March 9, 1999.

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.

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

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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/bjs  
Enclosures

CERTIFIED MAIL #P 152 983 069  
RETURN RECEIPT REQUESTED