

**CONSENT AGREEMENT
BETWEEN
TIMOTHY S. MANUEL, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

TIMOTHY S. MANUEL, M.D., voluntarily 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.

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 April 11, 2001, 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. TIMOTHY S. MANUEL, M.D., is licensed to practice medicine and surgery in the State of Ohio.

TIMOTHY S. MANUEL, M.D., STATES that he is not licensed to practice medicine or surgery in any other state or jurisdiction.

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- D. TIMOTHY S. MANUEL, M.D., ADMITS that he failed to submit a complete log listing his Continuing Medical Education for the time period July 1, 1996 through June 30, 1998, and that he failed to provide documentation that he had completed at least forty (40) hours of Category I Continuing Medical Education when requested to do so by the Board on three (3) different occasions, as set forth in paragraph two (2) of the Notice of Opportunity for Hearing issued by the Board on April 11, 2001.

TIMOTHY S. MANUEL, M.D., STATES, and the BOARD acknowledges receipt of documentation showing, that he did, in fact, timely complete the required Continuing Medical Education for the July 1, 1996 through June 30, 1998 time period.

- E. TIMOTHY S. MANUEL, M.D., FURTHER ADMITS that his conduct as set forth in paragraph D above violates R.C. 4731.22(B)(20) and Ohio Adm. Code 4731-10-03 and 4731-10-08 as set forth in the Notice of Opportunity for Hearing issued by the BOARD on April 11, 2001.

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, TIMOTHY S. MANUEL, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

1. TIMOTHY S. MANUEL, M.D. is hereby REPRIMANDED for failure to timely submit documentation of compliance with Continuing Medical Education [CME] requirements for the July 1, 1996 through June 30, 1998 CME acquisition period.
2. The BOARD hereby DISMISSES the allegations set forth in the Notice of Opportunity for Hearing issued by the BOARD on April 11, 2001, that the conduct of TIMOTHY S. MANUEL, M.D., constituted a violation of R.C. 4731.22(A) and R.C. 4731.22(B)(5).
3. The certificate of TIMOTHY S. MANUEL, M.D., to practice medicine and surgery in the State of Ohio shall be subject to mandatory audits of compliance with CME requirements for the current CME acquisition period, April 2, 2000 to April 1, 2002, and for two full CME acquisition periods thereafter, during which time TIMOTHY S. MANUEL, M.D., shall submit documentation acceptable to the BOARD of satisfactory completion of the requisite hours of CME. This

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documentation shall be due in the BOARD'S offices within thirty (30) days of the conclusion of each CME acquisition period.

ACKNOWLEDGMENTS/LIABILITY RELEASE

DOCTOR MANUEL 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.

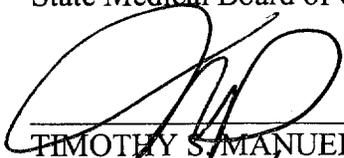
Any action initiated by the BOARD based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

DOCTOR MANUEL 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. DOCTOR MANUEL acknowledges that his social security number will be used if this information is so reported, and DOCTOR MANUEL agrees to provide his social security to the BOARD for such purposes.

EFFECTIVE DATE

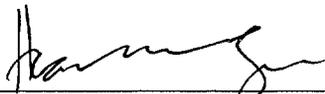
This Order shall become effective immediately upon mailing of notification of approval by the State Medical Board of Ohio.



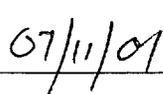
TIMOTHY S. MANUEL, M.D.



DATE



ANAND G. GARG, M.D.
Secretary

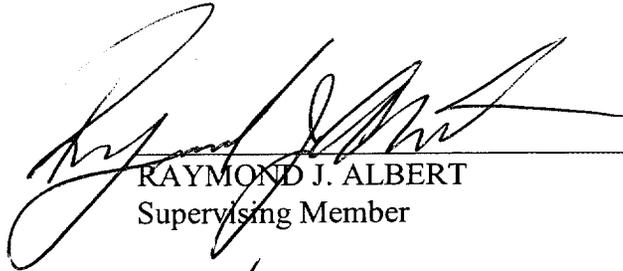


DATE

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Attorney for Dr. Manuel

DATE



RAYMOND J. ALBERT
Supervising Member

7/11/01

DATE



REBECCA J. ALBERS
Assistant Attorney General

7/11/01

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/

April 11, 2001

Timothy Scott Manuel, M.D.
4292 Mantell Court
Kettering, OH 45440

Dear Doctor Manuel:

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) In applying for registration of your certificate to practice medicine or surgery for the registration period of October 1, 1998 – July 1, 2000, you certified that you had completed or would complete the requisite hours of Continuing Medical Education (CME) as required by Section 4731.281, Ohio Revised Code, during the last biennial period of acquisition of CME (July 1, 1996 - June 30, 1998).
- (2) By a certified mail letter dated in or about July 1999, the State Medical Board of Ohio informed you that you were required to complete a log listing your CME for the July 1, 1996 - June 30, 1998 period and to provide documentation that you had actually completed at least forty (40) hours of Category I CME credits.

By certified mail letter dated August 28, 2000, the State Medical Board again requested that you submit documentation of your CME credits for the July 1, 1996 - June 30, 1998 period. The post office returned the letter to the Medical Board stamped "unclaimed" after attempting delivery on August 29, 2000, September 2, 2000 and September 13, 2000, to your address of record where you are currently residing.

Further, on October 26, 2000, State Medical Board Investigator Greg McGlaun hand-delivered a copy of the letter requesting you to complete a log listing your CME for the July 1, 1996 – June 30, 1998 period and to provide documentation that you had actually completed at least (40) hours of Category I CME credits.

Mailed 4.12.01

You have failed to submit any documentation of CME completed for the above period.

- (3) Your lack of response to the notices as detailed in the above paragraph (2) rebuts the presumption under Rule 4731-10-08(A), Ohio Administrative Code, that you did complete the requisite hours of CME, and/or demonstrates that you failed to keep detailed records of CME taken.

Your acts, conduct and/or omissions in certifying to the State Medical Board that you had completed the statutorily required CME, as set forth in the above paragraph (1), when you had not, in fact, done so, 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 in certifying to the State Medical Board that you had completed the statutorily required CME, as set forth in the above paragraph (1), when you had not, in fact, done so, constitute "[p]ublishing 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.

Further, your failure to respond to the audit notices, to obtain the requisite CME, and/or to submit documentation of same, as alleged in the above paragraphs (2) and (3) constitutes "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: Section 4731.281, Ohio Revised Code, as in effect prior to March 9, 1999, and Rules 4731-10-03 and 4731-10-08, Ohio Administrative Code.

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, 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

Enclosures

CERTIFIED MAIL #7000 0600 0024 5141 6464
RETURN RECEIPT REQUESTED