

**CONSENT AGREEMENT  
BETWEEN  
CHARLES HUTCHISON, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between CHARLES HUTCHISON, M.D., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

CHARLES HUTCHISON, M.D., 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 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)(13), 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 "(a) plea of guilty to, or a judicial finding of guilt of, a misdemeanor involving moral turpitude."
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(B)(13), Ohio Revised Code, as set forth in Paragraph D 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.
- C. CHARLES HUTCHISON, M.D., is applying for a certificate to practice medicine and surgery in the State of Ohio.
- D. CHARLES HUTCHISON, M.D., ADMITS that on December 29, 1994, he pleaded no contest and was found guilty of one (1) misdemeanor count of Public Indecency in violation of Section 2907.09, Ohio Revised Code.

STATE MEDICAL BOARD  
OF OHIO  
96 MAY - 7 PM 12: 04

DOCTOR HUTCHISON further ADMITS that pursuant to an order from THE STATE MEDICAL BOARD OF OHIO, he received an extensive evaluation including physiological and psychological assessments at the Center For Marital and Sexual Health in Beachwood, OH., in February and March 1996.

DOCTOR HUTCHISON STATES and THE STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES that the results of the evaluation state that DOCTOR HUTCHISON does not have a mental illness or sexual deviance diagnosis, and that DOCTOR HUTCHISON is capable of practicing according to acceptable standards of care.

DOCTOR HUTCHISON ADMITS that the results of the evaluation state that it would be in his best interest to voluntarily participate in psychotherapy.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, CHARLES HUTCHISON, M.D., shall be granted a certificate to practice medicine and surgery in the State of Ohio, and knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following PROBATIONARY terms, conditions and limitations:

1. DOCTOR HUTCHISON shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. DOCTOR HUTCHISON 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 in which the consent agreement becomes effective, 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;
3. DOCTOR HUTCHISON shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD.

STATE MEDICAL BOARD  
OF OHIO  
96 MAY -7 PM 12: 04

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 he 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 HUTCHISON written notification of scheduled appearances, it is DOCTOR HUTCHISON's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR HUTCHISON shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

4. In the event that DOCTOR HUTCHISON should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR HUTCHISON must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed;
5. In the event DOCTOR HUTCHISON is found by the Secretary of the BOARD to have failed to comply with any provision of this CONSENT AGREEMENT, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under the CONSENT AGREEMENT;
6. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR HUTCHISON shall submit for the BOARD's prior approval the name of a monitoring physician, who shall monitor DOCTOR HUTCHISON and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR HUTCHISON shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR HUTCHISON must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR HUTCHISON shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefor;

STATE MEDICAL BOARD  
OF OHIO  
96 MAY -7 PM 12:04

All monitoring physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR HUTCHISON's quarterly declaration. It is DOCTOR HUTCHISON's responsibility to ensure that reports are timely submitted;

7. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR HUTCHISON shall submit to the BOARD for its prior approval the name and qualifications of a psychiatrist or psychologist of his choice. Upon approval by the BOARD, DOCTOR HUTCHISON shall undergo and continue psychiatric treatment bi-weekly or as otherwise directed by the BOARD. DOCTOR HUTCHISON shall ensure that psychiatric reports are forwarded by his treating psychiatrist or psychologist to the BOARD on a quarterly basis, or as otherwise directed by the BOARD. It is DOCTOR HUTCHISON's responsibility to ensure that quarterly reports are received in the BOARD's offices no later than the due date for DOCTOR HUTCHISON's quarterly declaration;
8. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR HUTCHISON shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR HUTCHISON shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the chief of staff at each hospital where he applies for or obtains privileges or appointments; and,
9. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR HUTCHISON 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 a license to practice. DOCTOR HUTCHISON 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 licensure or reinstatement of licensure. Further, DOCTOR HUTCHISON shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

STATE MEDICAL BOARD  
OF OHIO  
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10. DOCTOR HUTCHISON AGREES that if any declaration or report required by this agreement is not received in the BOARD's offices on or before its due date, DOCTOR HUTCHISON 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.

This CONSENT AGREEMENT shall remain in force for a minimum of two (2) years prior to any request for termination of said CONSENT AGREEMENT. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR HUTCHISON appears to have violated or breached any term or condition of this CONSENT AGREEMENT, the BOARD 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.

If the Secretary and Supervising Member of the BOARD determine that there is clear and convincing evidence that DOCTOR HUTCHISON has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR HUTCHISON agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(D), Ohio Revised Code.

DOCTOR HUTCHISON 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 HUTCHISON 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. It is expressly understood that this CONSENT

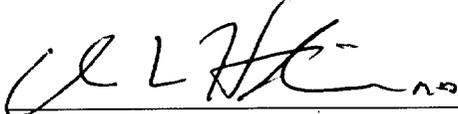
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STATE MEDICAL BOARD  
OF OHIO

CONSENT AGREEMENT  
CHARLES HUTCHISON, M.D.  
PAGE 6

AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and that it shall become effective upon the last date of signature below.

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

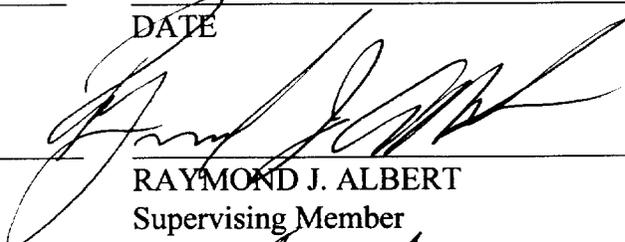
  
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CHARLES HUTCHISON, M.D.

  
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THOMAS E. GRETTER, M.D.  
Secretary

5-7-96  
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DATE

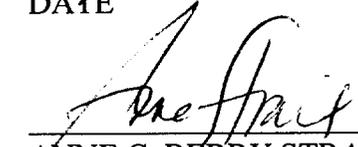
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APR 27 1996  
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KEVIN P. BYERS, ESQ  
Attorney for Dr. Hutchison

  
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RAYMOND J. ALBERT  
Supervising Member

5/8/96  
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DATE

5/8/96  
\_\_\_\_\_  
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\_\_\_\_\_  
ANNE C. BERRY STRAIT, ESQ.  
Assistant Attorney General

5/8/96  
\_\_\_\_\_  
DATE