OHIO STATE MEDICAL BOARD
NOV 1 2 1999

CONSENT AGREEMENT
BETWEEN
HAFIZ M. AYUB, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

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

DOCTOR AYUB 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)(22), Ohio Revised Code, to limit, revoke, or suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "[t]he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, or the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees."

B. The BOARD enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(B)(22), Ohio Revised Code, as set forth in Paragraph E, 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 CONSENT AGREEMENT.

C. DOCTOR AYUB is licensed to practice medicine and surgery in the State of Ohio.

D. DOCTOR AYUB STATES that he is also licensed to practice medicine and surgery in the State of Indiana.

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E. DOCTOR AYUB ADMITS that, on March 14, 1998, the Nevada State Board of Medical Examiners [Nevada Board] denied his application for licensure in that state. DOCTOR AYUB further ADMITS that the Nevada Board based its action upon the finding that DOCTOR AYUB had practiced medicine prior to the issuance of his license.

F. DOCTOR AYUB states that the facts underlying the Nevada Board denial of his licensure are as follows:

1. DOCTOR AYUB agreed to take a position in Nevada and applied for licensure with the Nevada Board in May of 1997. On July 1, 1997, the Nevada Board indicated by letter that DOCTOR AYUB had met all requirements for licensure. The Nevada Board's licensure department informed him that the license would probably be issued by October 21, 1997.

2. While waiting for the issuance of his license, DOCTOR AYUB visited the clinic where he would be employed and met with the supervising physician of the clinic. The supervising physician asked DOCTOR AYUB to take a note on one of the patients, which DOCTOR AYUB did while under the direct supervision of the supervising physician. After completing the note, DOCTOR AYUB gave it to the supervising physician for his review.

3. DOCTOR AYUB returned to the clinic for a three to four day orientation. DOCTOR AYUB did this so that when his license was issued, he would already be familiar with the administrative aspects of the clinic and would be able to treat patients immediately. During this orientation process, DOCTOR AYUB wrote notes and gave flu shots to two patients while under the direct supervision of an individual whom the supervising physician had represented to be a licensed physician. In fact, however, DOCTOR AYUB subsequently learned that this individual was not a licensed physician.

4. During DOCTOR AYUB's orientation, a patient came to the clinic experiencing severe chest pain. DOCTOR AYUB deemed this as an emergency. DOCTOR AYUB evaluated the patient and ordered that the patient be transferred by ambulance to an emergency facility. DOCTOR AYUB also spoke with the patient's cardiologist regarding the patient's condition.

5. During DOCTOR AYUB's three to four day orientation period, DOCTOR AYUB spent only a few hours a day at the clinic. At no time during orientation did DOCTOR AYUB receive, nor did he expect to receive, compensation for any of the time he spent at the clinic.

G. DOCTOR AYUB further ADMITS that he should have waited until he had been granted a license in Nevada before he engaged in the practice of medicine.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, HAFIZ M. AYUB, M.D., is hereby REPRIMANDED.

Moreover, within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR AYUB 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, DOCTOR AYUB shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts or applies 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.

In addition, within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR AYUB 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. DOCTOR AYUB 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 reinstatement of any professional license. Further, DOCTOR AYUB shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR AYUB 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 CONSENT AGREEMENT.

ACKNOWLEDGMENTS/LIABILITY RELEASE

DOCTOR AYUB 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.

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DOCTOR AYUB 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. 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 that it shall become effective upon the last date of signature below.

HAFIZ M. AYUB, M.D.

11.02.99
DATE

ERIC J. PLINKE
Attorney for Dr. Ayub

November 8, 1999
DATE

ANAND G. GARG, M.D.
Secretary

12/8/99
DATE

RAYMOND J. ALBERT
Supervising Member

12/8/99
DATE

ANNE B. STRAIT, ESQ.
Assistant Attorney General

12/8/99
DATE