CONSENT AGREEMENT
BETWEEN
RICHARD J. SHRAMO, D.P.M.,
AND
THE STATE MEDICAL BOARD OF OHIO
Case No. 08-CRF-108

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

Dr. Shramo 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 R.C. 4731.22(B), 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 Board and Dr. Shramo enter into this Consent Agreement in lieu of further formal proceedings based upon the allegations set forth in the Notice of Opportunity for Hearing issued on September 10, 2008, 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 R.C. Chapter 4731., whether occurring before or after the effective date of this Consent Agreement.

C. Dr. Shramo is licensed to practice podiatric medicine and surgery in the State of Ohio, License #36.001549. Dr. Shramo states that he is not licensed to practice in any other state or jurisdiction.

D. Dr. Shramo admits to the factual and legal allegations as set forth in the September 10, 2008, 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, Dr. Shramo knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

SUSPENSION

1. The certificate of Dr. Shramo to practice podiatric medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than one year.

Obey all Laws

2. Dr. Shramo shall obey all federal, state, and local laws.

Absences from Ohio

3. Dr. Shramo shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Shramo resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Shramo may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Shramo is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.

Quarterly Declarations and Appearances

4. Dr. Shramo shall submit quarterly declarations under penalty of Board disciplinary action and/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 this Consent Agreement becomes effective, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

5. Dr. Shramo shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

CONDITIONS FOR REINSTATEMENT

6. The Board shall not consider reinstatement of Dr. Shramo's certificate to practice podiatric medicine and surgery until all of the following conditions are met:

   a. Dr. Shramo shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.

   b. **PMLexis**: Prior to submitting his application for reinstatement or restoration, Dr. Shramo shall take and pass the PMLexis examination or any similar written examination which the Board may deem appropriate to assess Dr. Shramo's clinical competency.

   c. **Ethics Course:** At the time he submits his application for reinstatement or restoration, Dr. Shramo shall provide documentation of successful completion of a professional ethics course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which they are completed.

      In addition, at the time Dr. Shramo submits the documentation of successful completion of the course or courses dealing with professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of podiatric medicine and surgery in the future.

   d. **Sexual Boundaries Course:** At the time he submits his application for reinstatement or restoration, Dr. Shramo shall provide documentation of successful completion of a sexual boundaries course or courses. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the

Continuing Medical Education acquisition period(s) in which they are completed.

In addition, at the time Dr. Shramo submits the documentation of successful completion of the course or courses dealing with sexual boundaries, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of podiatric medicine and surgery in the future.

e. Dr. Shramo shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:

f. Evidence of continuing full compliance with this Consent Agreement.

g. Dr. Shramo shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board within 180 days of the date upon which all the above-specified conditions for reinstatement or restoration have been completed or, if the Board and Dr. Shramo are unable to agree on the terms of a written Consent Agreement, then Dr. Shramo further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code. The Board shall provide notice to Dr. Shramo that said hearing has been scheduled, advising Dr. Shramo of his hearing rights, and stating the date, time, and location of the hearing at which the Board will present its evidence, after which the Board will make a determination of the matter by Board Order.

REQUIRED REPORTING BY LICENSEE

7. Within thirty days of the effective date of this Consent Agreement, Dr. Shramo shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Shramo shall promptly 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. In the event that Dr. Shramo provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days

of the effective date of this Consent Agreement Dr. Shramo shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Shramo shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

8. Within thirty days of the effective date of this Consent Agreement, Dr. Shramo shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Shramo further agrees to provide a copy of this Consent Agreement 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, Dr. Shramo shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

9. Dr. Shramo shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

DURATION/MODIFICATION OF TERMS

The above-described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties. In the event that the Board initiates future formal proceedings against Dr. Shramo, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue

in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Shramo 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

Dr. Shramo 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. Shramo 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. Dr. Shramo acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

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 on the date of the last signature below.

RICHARD J. SHRAMO, D.P.M.

Sept 8, 2009
DATE

LANCE A. TALMAGE, M.D.
Secretary

10-14-09
DATE

THOMAS TYACK, ESQ. 000647
Attorney for Dr. Shramo

Sept 8, 2009
DATE

RAYMOND J. ALBERT
Supervising Member

10/14/09
DATE

BARBARA J. PFEIFFER
Assistant Attorney General

10/16/09
DATE

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

September 10, 2008

Case number: 08-CRF- 108

Richard J. Shramo, D.P.M.
2665 Camden Road
Columbus, Ohio 43221

Dear Doctor Shramo:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice podiatric medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

(1) From in or around February 2001 through at least October 2005, in the course of your podiatric medical practice, you treated Patient 1, indentified in the attached Patient Key. **(Key is confidential and shall be withheld from public disclosure.)**

(2) In early October 2005, Patient 1 came to your Bellefontaine office. Although the office was officially closed, you allowed Patient 1 to enter. You then allowed Patient 1 to perform oral sex on you.

(3) Approximately one week later in October 2005, Patient 1 returned to your Bellefontaine office after business hours. You again allowed her to enter. You again allowed Patient 1 to perform oral sex on you.

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (2), and (3) above, individually and/or collectively, constitute "[v]iolation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule," as that clause is used in Section 4731.22(B)(18), Ohio Revised Code, to wit: ME4.31 of Code of Ethics of the American Podiatric Medical Association.

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 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

Mailed 9-11-08

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 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 podiatric medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, 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,

Lance A. Talmage MD

Lance A. Talmage, M.D.
Secretary

LAT/CDP/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3688 1132
RETURN RECEIPT REQUESTED

cc: Thomas M. Tyack, Esq.
536 South High Street
Columbus, Ohio 43215

CERTIFIED MAIL #91 7108 2133 3934 3688 1149
RETURN RECEIPT REQUESTED

TYACK, BLACKMORE & LISTON CO., L.P.A.
ATTORNEYS AT LAW
536 SOUTH HIGH STREET
COLUMBUS, OHIO 43215-5605

THOMAS M. TYACK
MARGARET L. BLACKMORE
JEFFERSON E. LISTON
JONATHAN T. TYACK
JAMES P. TYACK
JOSEPH A. NIGH
SIOBHAN R. BOYD
SALLY R. STECIW

TELEPHONE 221-1341
FAX 228-0253
AREA CODE 614
WEBSITE: WWW.TBLATTORNEYS.COM

September 11, 2009

Barbara J. Pfeiffer, Esq.
Assistant Attorney General
Health and Human Services Section
30 East Broad Street, 26th Floor
Columbus, OH 43215

Re: *Richard J. Shramo, D.P.M.*
Case No. 08-CRF-108

Dear Ms. Pfeiffer:

In accordance with our previous discussions, etc., enclosed please find the Consent Agreement executed by my client, Dr. Shramo, and myself which is being submitted to you for further processing.

Very truly yours,

TYACK, BLACKMORE & LISTON CO., L.P.A.

Thomas M. Tyack

TMT/mps
Enclosure
Cc: Dr. Richard J. Shramo

HEALTH & HUMAN
SEP 14 2009
SERVICES SECTION

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

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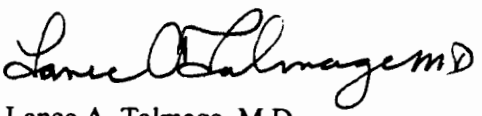
Very truly yours,



Lance A. Talmage, M.D.
Secretary

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