

CONSENT AGREEMENT
BETWEEN
ERIC J. ESS
AND
THE STATE MEDICAL BOARD OF OHIO

THIS CONSENT AGREEMENT is entered into by and between ERIC J. ESS and THE STATE MEDICAL BOARD OF OHIO, a State agency charged with enforcing Chapters 4730 and 4731, Ohio Revised Code.

ERIC J. ESS enters into this Agreement being fully informed of his rights under Chapter 119, Ohio Revised Code, including his 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:

1. THE STATE MEDICAL BOARD OF OHIO is empowered by Sections 4730.03(A), 4730.06(A), 4730.99, 4731.05(B), 4731.41 and 4731.99, Ohio Revised Code, to deny an application for registration as a physician's assistant in Ohio.
2. ERIC J. ESS is not presently registered as a physician's assistant in Ohio.
3. ERIC J. ESS ADMITS that:
 - a) Between at least May 12, 1986 and January 8, 1988, he did hold himself out and practice as a physician's assistant at the Tallmadge Family Medical Center without a current, valid certificate of registration issued to his employing physician or physicians. His actions at this time included doing physicals of patients, and also initial evaluations and histories of new patients.
 - b) Between the dates of January 3, 1986 and May 10, 1986, in his capacity as a medical staff assistant for Hillcrest Hospital he committed acts that constituted the unlicensed practice of medicine or

one of its branches. His actions at this time included doing the admission histories and physicals on patients being entered into the pre-admission testing center for same day surgeries.

- c) Between the dates of May 12, 1979 and January 3, 1986, in his capacity as a medical staff assistant for the Republic Steel Corporation he committed acts that constituted the unlicensed practice of medicine or one of its branches. his actions at this time included performing return to work physicals.
- d) Between the dates of September 12, 1978 and March 10, 1979 he held himself out and practiced as a physician's assistant for the Cuyahoga County Justice Center without a current, valid certificate of registration issued to his employing physician or physicians. His actions at this time included the management of acute emergencies and rounds on the hospital ward.

- 4. ERIC J. ESS ADMITS that by and through the abovesaid conduct he did violate Section 4730.06(A) in that he did "hold himself out as being able to function as a physician's assistant ... without a current, valid certificate of registration."

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, ERIC J. ESS knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO (hereinafter "BOARD") to the following terms and conditions:

- 1. The application for physician's assistant registration submitted by ERIC J. ESS on or about May 16, 1986 shall be DENIED.
- 2. ERIC J. ESS shall be ineligible to re-apply for physician's assistant registration in Ohio for a period of twelve (12) months effective April 13, 1988.

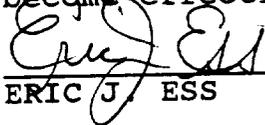
3. The BOARD agrees not to initiate criminal prosecution against ERIC J. ESS as a result of any allegations currently pending before the BOARD.

If, in the discretion of the secretary of THE STATE MEDICAL BOARD OF OHIO, ERIC J. ESS appears to have violated or breached any terms or conditions of this 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 Agreement.

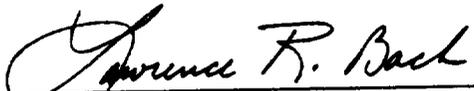
Any action initiated by THE STATE MEDICAL BOARD based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119, Ohio Revised Code.

ERIC J. ESS hereby releases THE STATE MEDICAL BOARD, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

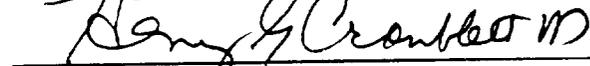
This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Revised Code, and shall become effective upon the last date of signature below.


ERIC J. ESS

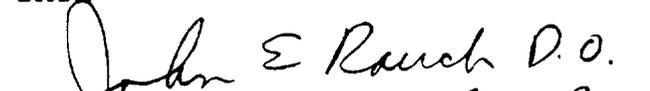
12/15/88
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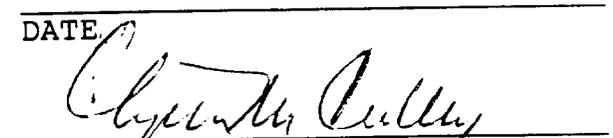

LAWRENCE R. BACH
Attorney for ERIC J. ESS

12-15-88
DATE


HENRY G. CRAMBLETT, M.D.
Secretary, State Medical Board
of Ohio

12/16/88
DATE


JOHN E. RAUCH, D.O. *by HSC*
Supervising Member
State Medical Board of Ohio


CHRISTOPHER M. CULLEY
Assistant Attorney General
12-16-88
DATE

STATE OF OHIO
THE STATE MEDICAL BOARD
65 South Front Street
Suite 510
Columbus, Ohio 43266-0315

April 13, 1988

Eric J. Ess
2861 Bailey Road
Cuyahoga Falls, Ohio 44221

Dear Mr. Ess:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio proposes to deny your application for registration as a physician's assistant for one or more of the following reasons:

- (1) Between at least May 12, 1986 and January 8, 1988, you held yourself out and practiced as a physician's assistant at the Tallmadge Family Medical Center without a current, valid certificate of registration issued to your employing physician or physicians. Your actions at this time included doing physicals of patients, and also initial evaluations and histories of new patients.
- (2) Between the dates of January 3, 1986 and May 10, 1986, in your capacity as a medical staff assistant for Hillcrest Hospital you committed acts that constituted the unlicensed practice of medicine or one of its branches. Your actions at this time included doing the admission histories and physicals on patients being entered into the pre-admission testing center for same day surgeries.
- (3) Between the dates of May 12, 1979 and January 3, 1986, in your capacity as a medical staff assistant for the Republic Steel Corporation you committed acts that constituted the unlicensed practice of medicine or one of its branches. Your actions at this time included performing return to work physicals.
- (4) Between the dates of September 12, 1978 and March 10, 1979, you held yourself out and practiced as a physician's assistant for the Cuyahoga County Justice Center without a current, valid certificate of registration issued to your employing physician or physicians. Your actions at this time included the management of acute emergencies and rounds on the hospital ward.

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Pursuant to Section 4730.06(A), Ohio Revised Code:

No person shall hold himself out as being able to function as a physician's assistant or use any words or letters indicating or implying that he is a physician's assistant without a current, valid certificate of registration or temporary registration as a physician's assistant issued to his employing physician or physicians pursuant to this chapter.

The acts and/or omissions, individually and/or collectively, as alleged in the above paragraph (1) that occurred subsequent to March 17, 1987 constitute "failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board", as that clause is used in Section 4731.05(B), to wit: Section 4730.06(A) and Section 4731.41 of the Revised Code.

Further, the acts and/or omissions as alleged in the above paragraph (1) that occurred subsequent to March 17, 1987 constitute "commission 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 4730.05(P) of the Revised Code, to wit: Sections 4730.06(A), 4730.99, 4731.41, and 4731.99 of the Revised Code.

Further, the acts and/or omissions, individually and/or collectively, as alleged in the above paragraphs (1) and (4) constitute a violation of Section 4730.06(A) of the Revised Code.

Further, the acts and/or omissions, individually and/or collectively, as alleged in the above paragraphs (1), (2), (3), and (4) constitute the practice of medicine and surgery, or one of its branches without a certificate from the State Medical Board in violation of Section 4731.41 of the Revised Code.

Further, all of the above allegations, individually and/or collectively, demonstrate your failure to provide satisfactory proof that you are of good moral character, as required by Section 4730.03 (A) of the Revised Code.

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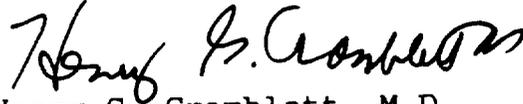
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such a hearing, that request must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing this notice.

You are further advised that 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 the 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 deny your application for registration as a physician's assistant.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:caa

Enclosures

CERTIFIED MAIL RECEIPT NO. P 026 073 460
RETURN RECEIPT REQUESTED