

OHIO STATE MEDICAL BOARD
MAR 24 2000

**CONSENT AGREEMENT
BETWEEN
ERIC EUGENE COLE, P.A.
AND
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between ERIC EUGENE COLE, P.A., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4730., Ohio Revised Code.

ERIC EUGENE COLE, P.A., 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 STATE MEDICAL BOARD OF OHIO is empowered by Section 4730.25, 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 who is in violation of Section 4730.25(B)(2), Ohio Revised Code, "[f]ailure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;" to wit: Section 4731.41 Ohio Revised Code.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Sections 4730.25(B)(2), 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 4730. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. ERIC EUGENE COLE, P.A., has submitted an application for a certificate of registration as a physician assistant in the State of Ohio.
- D. ERIC EUGENE COLE, P.A., ADMITS that, while employed by Lakewood Hospital in Lakewood, Ohio, as a surgeon's assistant from July of 1993 to December of 1993, he conducted pre-operative histories and physicals. Histories and physicals, however, are not listed in the job description for

“Surgeon’s Assistant I” or “Surgeon’s Assistant II” as a duty or responsibility.

ERIC EUGENE COLE, P.A., further ADMITS that, while employed by Elyria Memorial Hospital in Elyria, Ohio, as a surgeon’s assistant from December of 1993 to July of 1994, he conducted histories and physicals on pre-operative patients. Histories and physicals, however, are not listed in the job description for “Surgeon’s Assistant” as a duty.

ERIC EUGENE COLE, P.A., further ADMITS that, while employed by University Hospitals of Cleveland as a surgeon’s assistant, from July of 1994 until in or about August of 1999 he conducted histories and physicals on pre-operative patients.

ERIC EUGENE COLE, P.A., STATES that in or about August of 1999 he stopped conducting histories and physicals at the request of his supervisor, who stated that the State Medical Board of Ohio informed her that surgeon’s assistants should not be conducting histories and physicals.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, ERIC EUGENE COLE, P.A., shall be granted a certificate of registration as a physician assistant in the State of Ohio, and knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

1. MISTER COLE is hereby REPRIMANDED.
2. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, MISTER COLE 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. MISTER COLE 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, MISTER COLE shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.
3. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, MISTER COLE shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract

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to provide health care services or is receiving training; and the Chief of Staff at each hospital where he is employed, has privileges or appointments. Further, MISTER COLE shall 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 employment, privileges or appointments.

The above described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the BOARD, MISTER COLE 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

MISTER COLE 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.

MISTER COLE 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.

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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 upon the last date of signature below.

Eric Eugene Cole
ERIC EUGENE COLE, P.A.

3/22/00
DATE

Anand G. Garg
ANAND G. GARG, M.D.
Secretary

4/5/00
DATE

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member

4/5/00
DATE

Anne B. Strait
ANNE B. STRAIT, ESQ.
Assistant Attorney General

4/5/00
DATE