

**CONSENT AGREEMENT
BETWEEN
ROBERT LEON SIMS, P.A.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

ROBERT LEON SIMS, 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, “Practice of medicine or surgery without certificate.”
- 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. ROBERT LEON SIMS, P.A., has submitted an application for a certificate of registration as a physician assistant in the State of Ohio.
- D. ROBERT LEON SIMS, P.A., ADMITS that, while employed by St. Vincent Charity Hospital in Cleveland, Ohio, as a cardiac surgical assistant

from July of 1987 to March of 1999, his duties in the operating room included vein harvesting.

ROBERT LEON SIMS, P.A., further ADMITS that, while employed Fairview General Hospital in Cleveland, Ohio, as a cardiac physician assistant certified, from March of 1999 until in or about October of 1999 his duties in the operating room included vein harvesting.

ROBERT LEON SIMS, P.A., further ADMITS that by vein harvesting he was practicing medicine and surgery without a license. MISTER SIMS STATES that he was unaware of this, and was performing his job duties as specified by his employer.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, ROBERT LEON SIMS, 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 SIMS is hereby REPRIMANDED.
2. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, MISTER SIMS 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 SIMS 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 SIMS 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 SIMS 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 is employed, has privileges or appointments. Further, MISTER SIMS 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 SIMS 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 SIMS 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 SIMS 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.

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.

Robert L. Sims
ROBERT LEON SIMS, P.A.

3-20-2000
DATE

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

4/6/00
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