STATE MEDICAL BOARD
2007 OCT 10 A 10: 36

# CONSENT AGREEMENT
# BETWEEN
# SONJAY JOSEPH FONN, D.O.
# AND
# THE STATE MEDICAL BOARD OF OHIO

This Consent Agreement is entered into by and between Sonjay Joseph Fonn, D.O., [Dr. Fonn] and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Fonn 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. Fonn 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 May 10, 2007, 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. Fonn holds an osteopathic training certificate in the State of Ohio, # 58-001982, which expired on July 12, 2007.

D. Dr. Fonn admits to the factual and legal allegations, as set forth in the Notice of Opportunity for Hearing dated May 10, 2007, including that he failed to inform the Board in his training certificate application that he had been warned by his residency program director that conflicts with personnel could lead to a nonrenewal of his residency contract. In addition Dr. Fonn made factual misstatements regarding the conflicts in his residency program and the residency director's response when deposed by the State Medical Board of Ohio in April of 2007. A copy of the May 10, 2007 Notice of Opportunity for Hearing is attached hereto and fully incorporated herein.

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## AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of further formal proceedings at this time, Dr. Fonn knowingly and voluntarily agrees with the Board to the following terms, conditions and limitation:

### REPRIMAND

1. Dr. Fonn is hereby **REPRIMANDED** for his conduct as set forth in Paragraph D, above.

2. Within one year of the effective date of this Consent Agreement, or as otherwise approved by the Board, Dr. Fonn shall provide acceptable documentation of successful completion of a course or courses dealing with personal 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 period(s) in which they are completed.

   In addition, at the time Dr. Fonn submits the documentation of successful completion of the course or courses dealing with personal 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 medicine in the future.

**Required Reporting By Licensee**

3. Within thirty days of the effective date of this Consent Agreement, Dr. Fonn 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. Dr. Fonn 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, Dr. Fonn shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt. This requirement shall continue for three years following the effective date of this Consent Agreement.

4. Within thirty days of the effective date of this Consent Agreement, Dr. Fonn 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, Dr. Fonn 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 or obtains privileges or appointments. This

requirement shall continue for three years following the effective date of this Consent Agreement.

## FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Fonn 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. Fonn 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., and Ohio Revised Code.

Dr. Fonn 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, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Fonn agrees to provide his social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

## 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.

| | |
|---|---|
| SONJAY JOSEPH FONN, D.O | LANCE TALMAGE, M.D., Secretary |
| Oct 9th 2007 | 10-10-07 |
| DATE | DATE |

2007 OCT 10 A 10:37
STATE MEDICAL BOARD

DOUGLAS E. GRAFF
Attorney for Dr. Fonn

10/10/07
DATE

RAYMOND J. ALBERT
Supervising Member

10/10/07
DATE

KYLE C. WILCOX
Assistant Attorney General

10-10-07
DATE

STATE MEDICAL BOARD
2007 OCT 10 A 10:37

# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov


May 10, 2007

Sonjay Joseph Fonn, D.O.
Grandview Hospital
C/O Medical Education Department
405 Grand Avenue
Dayton, OH 45405

Dear Doctor Fonn:

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 osteopathic training certificate, or to reprimand you or place you on probation for one or more of the following reasons:

(1) On or about June 29, 2005, you caused to be submitted to the Board an Application for Training Certificate [Training Application]. By signing the Training Application, you certified that the information provided therein was true.

(2) In the "Additional Information" section of your Training Application you answered "NO" to question number 4, which asks the following:

> Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, residency, or graduate medical education program?

In fact, on or about February 19, 2004, you were warned by the Neurosurgery Residency Program Director [St. Barnabas Director] at the Saint Barnabas Medical Center in Livingston, New Jersey [St. Barnabas program] that you could be terminated from the St. Barnabas program if you had any further confrontation with paramedical personnel and that you would be given a conditional residency contract for the next residency year and that, if your performance was inadequate, your contract would not be renewed the following year.

Mailed 5-10-07

(3) During an investigatory deposition before Board staff taken April 12, 2007, you falsely stated that the St. Barnabas Director fabricated a memo to file from on or about February 19, 2004, regarding a meeting with you held the same date. Further, you falsely denied that the St. Barnabas Director advised you that you were given a conditional contract for PGY-3 year. You also falsely denied that the St. Barnabas Director advised you that, if your performance was adequate, you would be promoted to the fourth year, if your performance was below average, you would repeat the third year, and if your performance was inadequate, you would be offered no contract at all.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: a failure to furnish satisfactory proof of good moral character as required by Section 4731.291, Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute a "[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section," as that clause is used in Section 4731.22(B)(34), Ohio Revised Code.

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 before this agency, or you may present your position, arguments, or

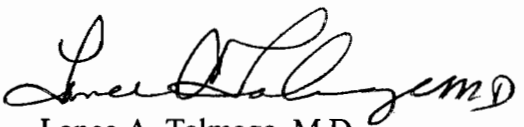
contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

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, permanently revoke, suspend, refuse to register or reinstate your osteopathic training certificate 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, M.D.
Secretary

LAT/DPK/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3931 8318 3480
RETURN RECEIPT REQUESTED

cc: Douglas E. Graff, Esq.
604 East Rich Street
Columbus, Ohio 43215

CERTIFIED MAIL #91 7108 2133 3931 8318 3497
RETURN RECEIPT REQUESTED