Gretchen Nicol, RN

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO, STATE MEDICAL BOARD OF OHIO, Plaintiff,	:	
vs.	:	CASE NO. 82CV-12-7357
MID-OHIO HEALTH CARE PLAN, ET AL., Defendants.	:	JUDGE CRAWFORD

FILED
COMMON PLEAS COURT
1983 DEC -6 PM 12: 31
THOMAS J. CRIGHT
CLERK OF COURTS

CONSENT ORDER

Plaintiff, State of Ohio, State Medical Board, through the Office of the Attorney General, by a Complaint dated December 9, 1982, commenced this action for a declaratory judgment and injunctive relief against the Defendants, Mid-Ohio Health care Plan d/b/a Health One, and Gretchen Nicol, R.N.

IT IS HEREBY STIPULATED AND AGREED by the parties hereto that they consent to the entry of this Order directing:

1. That the Defendant, Mid-Ohio Health Care Plan d/b/a Health One, will not permit or cause, and will not permit or cause its employees and agents and all affiliated physicians, in the providing of health care services, the following described acts to be performed other than directly and personally by individuals who are duly licensed to practice medicine or surgery or osteopathic medicine or surgery in the State of Ohio, unless permitted by rule of the State Medical Board or ultimately determined by a court of competent jurisdiction: (a) a pelvic examination performed in connection with the prescription of birth control medication; (b) a pelvic examination including the collection of

specimen material for a papnicolaou laboratory examination performed in connection with a periodic gynecologic evaluation; (c) a breast examination performed in connection with the prescription of birth control medication or a periodic gynecologic evaluation; or (d) the initial prescribing and/or dispensing of birth control pills and the periodic writing and signing of refill prescriptions based on re-examination and re-evaluation.

2. That the Defendant, Mid-Ohio Health Care Plan d/b/a Health One, will not permit, and will not permit its employees and agents and all affiliated physicians to permit, the name of any individual licensed to practice medicine or surgery or osteopathic medicine or surgery in the State of Ohio to be used on a prescription for birth control pills if the following described acts have been performed by a person other than an individual duly licensed to practice medicine or surgery or osteopathic medicine or surgery: (a) a pelvic examination performed in connection with the prescription of birth control medication or a periodic gynecologic evaluation; (b) a breast examination performed in connection with the prescription of birth control medication or a periodic gynecologic evaluation; or (c) the initial prescribing and/or dispensing of birth control pills and the periodic writing and signing of refill prescriptions based on re-examination and re-evaluation; unless authorized by rule of the State Medical Board or ultimately determined by a court of competent jurisdiction.

3. That the Defendant, Mid-Ohio Health Care Plan d/b/a Health One, its employees and agents, will not in any media advertising or advertising or promotional literature offer to the public the following described acts unless all such acts shall be performed directly and personally by individuals duly licensed to practice medicine or surgery or osteopathic

medicine or surgery in the State of Ohio unless permitted by rule of the State Medical Board or ultimately determined by a court of competent jurisdiction: (a) a pelvic examination performed in connection with the prescription of birth control medication or a periodic gynecologic evaluation; (b) a pelvic examination including the collection of specimen material for a papnicolaou laboratory examination performed in connection with a periodic gynecologic evaluation; (c) a breast examination performed in connection with the prescription of birth control medication or a periodic gynecologic evaluation; or (d) the prescribing and/or dispensing of birth control pills.

4. That the Defendant, Gretchen Nicol, R.N., (A) will not perform the following described acts unless the State Medical Board or a court of competent jurisdiction ultimately rules that such acts can be performed by duly licensed registered nurses: (1) a pelvic examination performed in connection with the prescription of birth control medication or a periodic gynecologic evaluation, (2) a pelvic examination including the collection of specimen material for a papnicolaou laboratory examination performed in connection with a periodic gynecologic evaluation, and (3) a breast examination performed in connection with the prescription of birth control medication or a periodic gynecologic evaluation; and (B) will not prescribe and/or dispense birth control pills.

5. That the Defendants, Mid-Ohio Health Care Plan d/b/a Health One and Gretchen Nicol, R.N., by agreeing to the stipulations herein, in no way admit that they have ever knowingly engaged in the illegal practice of medicine.

6. That the Plaintiff, State Medical Board, its agents, employees, representatives and/or counsel agree not to file any administrative or criminal charges against

either Defendant, Gretchen Nicol, or Defendant, Mid-Ohio Health Care Plan d/b/a Health One, its employees, agents or affiliated physicians, for acts which were alleged in the complaint to constitute the illegal practice of medicine and may have been performed up to the date of this Consent Order and further agree to dismiss the administrative action initiated by the State Medical Board against Michael Burgin, M.D. and further agree not to file any administrative or criminal charges against Michael Burgin, M.D. for any acts which were alleged in the complaint and may have been performed up to the date of this Consent Order.

7. That the entry of this Consent Order is not intended, and shall not be construed, to have any collateral effect upon this or any other proceeding to declare unlawful and enjoin the unauthorized practice of medicine by persons other than Mid-Ohio Health Care Plan d/b/a Health One and Gretchen Nicol, R.N.

STATE OF OHIO, STATE MEDICAL BOARD OF OHIO

By Leonard L. Loveless

Its Vice President

MID-OHIO HEALTH CARE PLAN d/b/a HEALTH ONE

By John B. Reinhardt Jr.

Its Chairman of the Board and President

Gretchen Nicol R.N.

Gretchen Nicol, R.N.

APPROVED AND AGREED TO:

ANTHONY J. CELEBREZZE, JR.
Attorney General of Ohio

Scott Lavelle

WILLIAM SCOTT LAVELLE
Assistant Attorney General

Attorneys for Plaintiff
State Medical Board

Alan T. Radnor

Attorney for Defendants
Mid-Ohio Health Care Plan d/b/a
Health One and Gretchen Nicol

It is so ORDERED this 6th day of December, 1983.

Judge Crawford