

**CONSENT AGREEMENT  
BETWEEN  
SHARON JANE JELKOVAC, P.A.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Sharon Jane Jelkovic, P.A., [Ms. Jelkovic] and the State Medical Board of Ohio [Board], a state agency charged with enforcing Ohio Revised Code [R.C.] Chapter 4730 and 4731.

Ms. Jelkovic enters into this Consent Agreement being fully informed of her rights under R.C. Chapter 119, 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 and understandings:

- A. The Board is empowered by R.C. 4730.25(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 Ms. Jelkovic 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 to Ms. Jelkovic by the Board on March 9, 2005, attached hereto as Exhibit A and incorporated herein by reference. The Board expressly reserves the right to institute additional formal proceedings based upon any other violations of R.C. Chapter 4731 or 4730, whether occurring before or after the effective date of this Consent Agreement.
- C. Ms. Jelkovic submitted an application for a certificate of registration as a physician assistant in the State of Ohio, which is currently pending.
- D. Ms. Jelkovic is not registered or licensed as a physician assistant in any other state.
- E. Ms. Jelkovic admits the legal and factual allegations set forth in the Notice of Opportunity for Hearing issued to Ms. Jelkovic by the Board on March 9, 2005, attached hereto as Exhibit A and incorporated herein by reference.

### **AGREED CONDITIONS**

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Ms. Jelkovic shall be granted a certificate of registration to practice as a physician assistant in the State of Ohio, upon receipt of appropriate and necessary documentation, and Ms. Jelkovic knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

#### **SUSPENSION OF CERTIFICATE, STAYED; PROBATION**

1. The certificate of registration of Ms. Jelkovic to practice as a physician assistant in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than ninety days. Such suspension is **STAYED**, subject to the following **PROBATIONARY** terms, conditions, and limitations for a period of at least three years:
  - a. Ms. Jelkovic shall obey all federal, state, and local laws, and all rules governing the practice of physician assistants in Ohio.
  - b. Ms. Jelkovic shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur as requested by the Board, and shall include an appearance following her request for termination of this Consent Agreement and prior to release.
  - c. Ms. Jelkovic shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective, provided that if the effective date is on or after the sixteenth day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

#### **EXAMINATION**

2. Within one hundred eighty days of the effective date of this Consent agreement, Ms. Jelkovic shall take and pass an examination to be administered by the Board or its designee related to the content of Ohio statutes and Board rules relating to the practice of physician assistants. If Ms.

Jelkovic fails this examination, she must wait at least thirty days before she is eligible to take the examination again. Failure to take and pass this examination within one hundred eighty days of the effective date of this Consent Agreement shall automatically serve to lift the stay and impose the suspension in above Paragraph 1. In the event that such indefinite suspension is imposed, the Board shall not consider reinstatement of Ms. Jelkovic's registration to practice as a physician assistant unless and until Ms. Jelkovic receives written notice from the Board that she has passed this examination

### **REQUIRED REPORTING BY LICENSEE**

3. Within thirty days of the effective date of this Consent Agreement, Ms. Jelkovic shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services or is receiving training, and the Chief of Staff at each hospital where she has privileges or appointments. Further, Ms. Jelkovic shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments.
4. Within thirty days of the effective date of this Consent Agreement, Ms. Jelkovic 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 she currently holds any professional license. Ms. Jelkovic 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 she applies for any professional license or for reinstatement of any professional license. Further, Ms. Jelkovic shall provide the Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

### **DURATION/MODIFICATION OF TERMS**

Ms. Jelkovic shall not request termination of this Consent Agreement for a minimum of three years. Otherwise, the above-described terms, limitations and conditions 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, Ms. Jelkovic 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**

Ms. Jelkovic acknowledges that she 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, R.C. Chapter 119.

Ms. Jelkovic 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 R.C. 149.43, and may be reported to appropriate organizations, data banks, and governmental bodies. Ms. Jelkovic agrees to provide her 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 date of the last signature being recorded.

Sharon Jane Jelkovic  
Sharon Jane Jelkovic, P.A.

Lance A. Talmage, M.D.  
Lance A. Talmage, M.D.  
Secretary

Date: November 8, 2005

Date: 11-10-05

Francis Gardner, Esq.  
Francis Gardner, Esq.  
Attorney for Ms. Jelkovic

Raymond J. Albert  
Raymond J. Albert  
Supervising Member

Date: 11.08.2005

Date: 11/10/05

Kyle C. Wilcox, Esq.  
Kyle C. Wilcox, Esq.  
Assistant Attorney General

Date: 11-14-05



# State Medical Board of Ohio

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

March 9, 2005

Ms. Sharon Jane Jelkovic  
3864 W 160th St. Upper  
Cleveland, OH 44111

Dear Ms. Jelkovic:

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, or suspend your certificate of registration as a physician assistant, refuse to issue or reinstate your certificate, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about February 2, 2004, you submitted an Application for Physician Assistant Registration Number [P.A. Registration] to the Board. Your P.A. Registration is pending. You have never been registered as a Physician Assistant by the Board, and you have never entered into a Board-approved physician supervision agreement. In addition, You have never been licensed to practice medicine and surgery in the State of Ohio.
- (2) You have been employed at South Pointe Hospital in Cleveland, Ohio, from approximately April 1997 to the present. During that time you have:
  - obtained patient histories;
  - performed preoperative physical examinations on patients;
  - identified normal and abnormal findings on histories, physical examinations and commonly performed laboratory studies;
  - screened preoperative patients to aid physicians in determining the need for further medical attention;
  - inserted Foley catheters;
  - used instruments such as retractors; and
  - placed sutures as part of a surgical procedure, including closing fascial and muscular tissue.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above that occurred on or after March 9, 1999, individually and/or collectively, constitute "[c]ommission of an act that constitutes a felony in this state, regardless of the

*Mailed 3-10-05*

jurisdiction in which the act was committed,” as that clause is used in Section 4730.25(B)(12), Ohio Revised Code, to wit: Practice of medicine or surgery without certificate, Section 4731.41, Ohio Revised Code. Pursuant to Section 4731.99, Ohio Revised Code, as in effect on or after March 9, 1999, violation of Section 4731.41, Ohio Revised Code, constitutes a felony offense.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above that occurred prior to March 9, 1999, individually and/or collectively, constitute “[c]ommission 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 4730.25(B)(15), Ohio Revised Code, as in effect prior to March 9, 1999, to wit: Practice of medicine or surgery without certificate, Section 4731.41, Ohio Revised Code. Pursuant to Section 4731.99, Ohio Revised Code, as in effect prior to October 14, 1999, violation of Section 4731.41, Ohio Revised Code, constitutes a misdemeanor offense.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “[f]ailure 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 4730.25(B)(2), Ohio Revised Code, to wit: Section 4730.02(D), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “[c]ommission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4730.25(B)(15), Ohio Revised Code, to wit: Prohibitions, Section 4730.02(D), Ohio Revised Code. Pursuant to Section 4730.99, Ohio Revised Code, violation of Section 4730.02(D), Ohio Revised Code, constitutes a misdemeanor offense.

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.

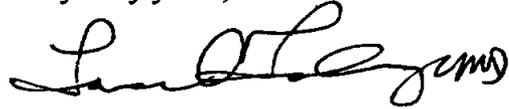
In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon

consideration of this matter, determine whether or not to limit, revoke or suspend your certificate of registration as a physician assistant, refuse to issue or reinstate your certificate or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4730.25(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate of registration as a physician assistant to an applicant, revokes an individual's certificate of registration, refuses to issue a certificate of registration, or refuses to reinstate an individual's certificate of registration, 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 of registration as a physician assistant 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/blt  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5142 9518  
RETURN RECEIPT REQUESTED

cc: Francis X. Gardner, Esq.  
1400 Midland Building  
101 Prospect Avenue, West  
Cleveland, OH 44115-1093

CERTIFIED MAIL # 7000 0600 0024 5142 9525  
RETURN RECEIPT REQUESTED