

STATE MEDICAL BOARD
OF OHIO
96 MAY - 7 PM 3:12

STATE OF OHIO
THE STATE MEDICAL BOARD

PERMANENT SURRENDER OF CERTIFICATE
TO PRACTICE OSTEOPATHIC MEDICINE AND SURGERY

I, JAMES C. WARD, D.O., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein, after being fully advised by legal counsel.

I, JAMES C. WARD, D.O., do hereby voluntarily, knowingly, intelligently, and permanently surrender my certificate to practice osteopathic medicine and surgery, No. 34-000440, to the State Medical Board of Ohio, thereby permanently relinquishing all rights to practice osteopathic medicine and surgery in Ohio. This surrender shall be effective as of midnight, on the sixtieth day from the date of execution of this document.

I understand that as a result of the surrender herein that I am no longer permitted to practice osteopathic medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice osteopathic medicine and surgery, No. 34-000440, or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing of this Surrender of Certificate to Practice Osteopathic Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I certify that I do not hold a license or certificate to practice osteopathic medicine and surgery and/or medicine and surgery in any other state. I stipulate and agree that I will not apply for or otherwise seek such licensure of certificate in any other state.

I, JAMES C. WARD, D. O., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings in accordance with R.C. Chapter 119 and R.C. 4731.22 for the matters described in the Notice of Opportunity for Hearing dated February 14, 1996. I further stipulate to and admit the allegations in said Notice, which is attached hereto as Exhibit A and incorporated herein by this reference.

Surrender of Certificate
page 2

This document 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.

Signed this 2nd day of May, 1996.

James C. Ward
JAMES C. WARD, D. O.

Donna M. Babinec
Witness

Carberene Yusa
Witness

Sworn to and subscribed in my presence, this 2nd day of May, 1996.

Donna M. Babinec
NOTARY PUBLIC

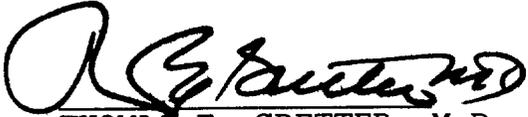
DONNA M. BABINEC
Notary Public, State of Ohio
Recorded in Cuyahoga County
My Comm. Expires 3-27-00

(This form must be either witnessed OR notarized.)

STATE MEDICAL BOARD
OF OHIO
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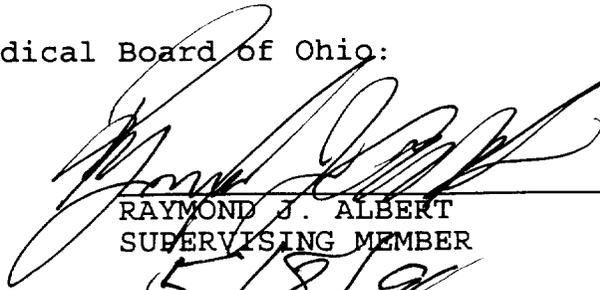
Surrender of Certificate
page 3

Accepted by the State Medical Board of Ohio:



THOMAS E. GREYTER, M.D.
SECRETARY

5/8/96
DATE



RAYMOND J. ALBERT
SUPERVISING MEMBER

5/8/96
DATE

STATE MEDICAL BOARD
OF OHIO
96 MAY -7 PM 3:12



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

February 14, 1996

James C. Ward, D.O.
27521 Lorain Road
North Olmsted, OH 44070

Dear Doctor Ward:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- 1) On or about February 3, 1993, you entered into a Consent Agreement with the State Medical Board of Ohio based upon your admission that "serious problems exist regarding the appropriateness and utilization of the long-term prescribing of controlled substances to six (6) patients." The Consent Agreement suspended your license for a period of thirty (30) days. The suspension was stayed subject to probationary terms, conditions, and limitations which include, but are not limited to, the following:
 - 1.a. Doctor Ward shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
- 2) In your treatment of six additional patients (as identified on the attached Patient Key - Key confidential to be withheld from public disclosure), through at least August 1993, you maintained patient medical records that failed to meet the minimal standards of documentation.
- 3) In the routine course of your treatment of Patients 1-6, you prescribed and/or otherwise administered controlled substances and other dangerous drugs and over-the-counter medications without appropriate substantiating documentation. Examples of such practices include, but are not limited to, the following:
 - a) For Patients 1-5, you prescribed such medications without documenting a physical examination through at least August 1993;

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- b) For Patient 1, during or about June 1990 through at least August 1993, you prescribed Tylenol #4 with codeine without documenting in your medical records the reasons for the medication's use, or of any attempts to find other means of treating the patient's medical problems;
- c) For Patient 2, who was taking medications suggesting the presence of major cardiovascular disease, hyperlipidemia, and diabetes mellitus, your records contain no documentation of a medical history, physical examination (see Paragraph 3a, above), or evaluation of these conditions;
- d) For Patient 3, during or about May 1993 through at least September 1993, you utilized controlled substance anorectics without documenting the patient's weight. Further, you utilized controlled substance anorectics without recording that the patient had made a substantial good-faith effort to lose weight in a treatment program based on caloric restriction, nutritional counseling, behavior modification, and exercise, without the utilization of controlled substances, and that said treatment was ineffective;
- e) For Patient 4, during or about October 1986 through at least October 1993, you prescribed Darvocet without any notation as to the patient's physical condition, the likelihood that the patient was becoming dependent on this medication, or of any attempts to find other means of treating the patient's medical problems;
- f) For Patient 5, during or about March 1992 through at least October 1993, you prescribed either Percocet or Vicodin ES. Also, at various times during the above period, you prescribed Xanax, Buspar, Pamelor, Ativan, and Zoloft. These medications were prescribed without documenting in your medical records the reasons for the medications' use. Regarding your prescribing of Percocet and Vicodin ES, you also failed to note any attempts to use alternate medications for pain control or to change to less-habituating medication or treatment-modality;
- g) For Patient 6, you initially prescribed Vicodin during or about May 1992, apparently for treatment of her post-herpetic neuralgia, a diagnosis sufficient to warrant a short course of treatment with Vicodin. However, you continued to prescribe Vicodin through at least November 1993, without evidence of further examination of

the patient, without noting changes in the patient's condition, and without evidence of efforts to control the patient's pain by other means; and

- h) For Patient 6, you regularly administered B12 injections from on or about August 23, 1988, through at least November 1993, with no substantiating documentation in your medical records.

Your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute "(f)ailure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease," as those clauses are used in Section 4731.22(B)(2), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraph (2) and (3) above, individually and/or collectively, constitute "(a) departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (3) above, individually and/or collectively, constitute a "(v)iolation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code, to wit: Section 4731.22(B)(2), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (2) and (3) above, individually and/or collectively, constitute a "(v)iolation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code, to wit: Section 4731.22(B)(6), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (3)(b), (3)(d), (3)(e), (3)(f), and (3)(g) above, individually and/or collectively, constitute a "(v)iolation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code, to wit: Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-11-02 (D), Ohio Administrative Code. Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, violation of Rule 4731-11-02(D), Ohio Administrative Code, also violates Sections 4731.22(B)(2) and (6), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (3)(b), (3)(e), and (3)(f) above, individually and/or collectively, constitute a "(v)iolation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code, to wit: Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-11-02(C), Ohio Administrative Code. Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, violation of Rule 4731-11-02(C), Ohio Administrative Code, also violates Sections 4731.22(B)(2) and (6) and further, if such violation is committed purposely, knowingly or recklessly, it also constitutes a violation of Section 4731.22(B)(3), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraph (3)(d) above, individually and/or collectively, constitute a "(v)iolation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code, to wit: Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-11-04(B), (B)(1), and (B)(5)(a), Ohio Administrative Code. Pursuant to Rule 4731-11-04(C), Ohio Administrative Code, violation of Rule 4731-11-04, Ohio Administrative Code, also violates Sections 4731.22(B)(2), (3) and (6), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (3)(b), (3)(d), (3)(e), (3)(f), and (3)(g) 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: Rule 4731-11-02 (D), Ohio Administrative Code. Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, violation of Rule 4731-11-02(D), Ohio Administrative Code, also violates Sections 4731.22(B)(2) and (6), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (3)(b), (3)(e), and (3)(f) 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: Rule 4731-11-02(C), Ohio Administrative Code. Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, violation of Rule 4731-11-02(C), Ohio Administrative Code, also violates Sections 4731.22(B)(2) and (6) and further, if such violation is committed purposely, knowingly or recklessly, it also constitutes a violation of Section 4731.22(B)(3), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraph (3)(d) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or

February 14, 1996

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: Rule 4731-11-04(B), (B)(1), and (B)(5)(a), Ohio Administrative Code. Pursuant to Rule 4731-11-04(C), Ohio Administrative Code, violation of Rule 4731-11-04, Ohio Administrative Code, also violates Sections 4731.22(B)(2), (3) and (6), Ohio Revised Code.

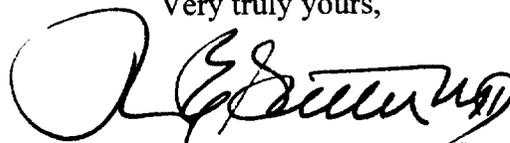
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that 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 (30) 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, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Thomas E. Gretter, M.D.
Secretary

TEG/bjm

Enclosures

CERTIFIED MAIL # P 348 887 267
RETURN RECEIPT REQUESTED

STATE MEDICAL BOARD
OF OHIO
93 JUN 19 AM 11:00

CONSENT AGREEMENT
BETWEEN
JAMES C. WARD, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO

THIS CONSENT AGREEMENT is entered into by and between JAMES C. WARD, D.O. and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

JAMES C. WARD, D.O. enters into this 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.

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 4731.22(B)(6), 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 for a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(6), Ohio Revised Code, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. JAMES C. WARD., D.O. is licensed to practice osteopathic medicine and surgery in the State of Ohio.
- D. JAMES C. WARD, D.O. ADMITS that his records reflect that serious problems exist regarding the appropriateness and utilization of the long-term prescribing of controlled substances to six (6) patients.

CONSENT AGREEMENT
JAMES C. WARD, D.O.
PAGE TWO

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, JAMES C. WARD, D.O. knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

1. The certificate of DOCTOR WARD to practice osteopathic medicine and surgery in the State of Ohio shall be SUSPENDED for a period of thirty (30) days. Such suspension is STAYED, subject to the following PROBATIONARY terms, conditions and limitations for a period of two (2) years:
 - a. DOCTOR WARD shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
 - b. DOCTOR WARD shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of this Consent Agreement;
 - c. In the event that DOCTOR WARD should leave Ohio for three continuous months, or reside or practice outside the State, DOCTOR WARD must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed;
 - d. DOCTOR WARD shall immediately surrender his United States Enforcement Administration controlled substances privileges for schedule II narcotics. He shall permanently be ineligible to hold, and shall not reapply for, registration with the D.E.A. to prescribe, dispense, or administer controlled substances in schedule II narcotics;
 - e. DOCTOR WARD shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess any controlled substances in schedule II narcotics as defined by State or Federal law;

CONSENT AGREEMENT
JAMES C. WARD, D.O.
PAGE THREE

- f. DOCTOR WARD shall keep a log of all controlled substances prescribed, dispensed, or administered. Such log shall be submitted quarterly to the BOARD in the format approved by the BOARD;
- g. DOCTOR WARD shall attend, at his expense, the next available session of the "Prescribing Controlled Substances Workshop," offered by St. Vincent's Charity Hospital in Cleveland, Ohio, or a similar course approved in advance by the BOARD. DOCTOR WARD shall provide acceptable documentation of successful completion of this course. This program shall be in addition to the continuing medical education requirements contained in Chapter 4731, Ohio Revised Code;
- h. DOCTOR WARD shall attend, at his expense, the next available session of the "Communicating and Record Keeping in Clinical Practice" workshop, offered by the Physicians Insurance Company of Ohio, or a similar course approved in advance by the BOARD. DOCTOR WARD shall provide acceptable documentation of successful completion of this course. This program shall be in addition to the continuing medical education requirements contained in Chapter 4731, Ohio Revised Code;
- i. DOCTOR WARD shall provide all employers and the Chief of Staff at each hospital where he has, applies for, or obtains privileges with a copy of this Consent Agreement.

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

If, in the discretion of the Secretary of THE STATE MEDICAL BOARD OF OHIO, DOCTOR WARD appears to have violated or breached any term or condition of this Agreement, THE STATE MEDICAL BOARD OF OHIO 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 Agreement.

CONSENT AGREEMENT
JAMES C. WARD, D.O.
PAGE FOUR

DOCTOR WARD acknowledges that he has had an opportunity to ask questions concerning the terms of this 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.

DOCTOR WARD 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.

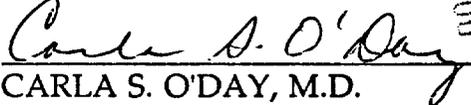
This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and shall become effective upon the last date of signature below.

Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

STATE MEDICAL BOARD
OF OHIO
JAN 19 11:00



JAMES C. WARD, D.O.



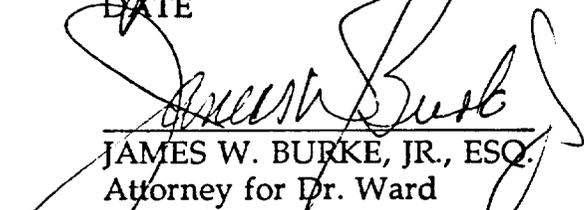
CARLA S. O'DAY, M.D.
Secretary

Jan 11, 1993

DATE

1/24/93

DATE



JAMES W. BURKE, JR., ESQ.
Attorney for Dr. Ward



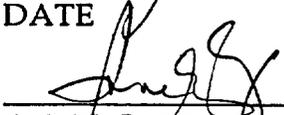
RONALD J. KAPLANSKY, DPM
Supervising Member

12/20/92

DATE

Jan. 20, 1993

DATE



ANNE C. BERRY, ESQ.
Assistant Attorney General

2/3/92

DATE