

CONSENT AGREEMENT  
BETWEEN  
ANTHONY J. DEGIDIO, D.O.  
AND  
STATE MEDICAL BOARD OF OHIO

This CONSENT AGREEMENT is entered into by and between ANTHONY J. DEGIDIO, D.O., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Ohio Revised Code Chapter 4731.

ANTHONY J. DEGIDIO, D.O., enters into this AGREEMENT being fully informed of his rights under Ohio Revised Code Chapter 119, including the right to representation by counsel, and the right to a formal adjudication 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 Ohio Revised Code Section 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 violation of any of the enumerated subsections.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of further formal proceedings based upon the Notice of Opportunity for Hearing dated July 8, 1992 which is attached hereto as "Exhibit A" and incorporated herein, and expressly reserves the right to institute formal proceedings based upon any other violations of Ohio Revised Code Chapter 4731, whether occurring before or after the effective date of this AGREEMENT.
- C. ANTHONY J. DEGIDIO, D.O., is licensed to practice osteopathic medicine in the State of Ohio.

- D. ANTHONY J. DEGIDIO, D.O., admits the factual and legal allegations as continued in the Notice of Opportunity for Hearing dated July 8, 1992, a copy of which is attached hereto as "Exhibit A" and incorporated herein.

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

1. DR. DEGIDIO'S certificate to practice osteopathic medicine and surgery in the State of Ohio shall be suspended for thirty (30) days effective upon the last date of signature below. Furthermore, the suspension shall continue until such time as DR. DEGIDIO meets all of the following minimal requirements as set forth below in subparagraphs l.a., b., and c., at which time his certificate to practice osteopathic medicine and surgery will be reinstated subject to the probationary terms, conditions, and limitations set forth in paragraph 2 below.
  - a. DR. DEGIDIO shall submit an application for reinstatement accompanied by appropriate fees.
  - b. DR. DEGIDIO shall take and pass the SPEX examination, or any similar written examination which the BOARD may deem appropriate.
  - c. In the event that DR. DEGIDIO has not been engaged in the active practice of osteopathic medicine or surgery for a period in excess of two years immediately preceding the time of his application for reinstatement, the BOARD may exercise its discretion under R.C. 4731.222, to require additional evidence of DR. DEGIDIO'S fitness to resume practice.
2. Upon reinstatement, DR. DEGIDIO'S certificate shall be subject to the following probationary terms, conditions, and limitations for a period of at least four (4) years;

- a. DR. DEGIDIO shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
- b. DR. DEGIDIO shall submit quarterly declarations under penalty of perjury, stating whether or not there has been compliance with all of the provisions of probation, a sample copy of which is attached hereto as "Exhibit B".
- c. DR. DEGIDIO shall appear in person for interviews before the full BOARD or its designated representative at three (3) month intervals, or as otherwise requested by the BOARD.
- d. In the event that DR. DEGIDIO should leave Ohio for three (3) consecutive months, or reside or practice outside the State, DR. DEGIDIO must notify THE STATE MEDICAL BOARD in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed.
- e. DR. DEGIDIO shall immediately surrender his registration with the United States Drug Enforcement Administration to prescribe, dispense, or administer controlled substances. DR. DEGIDIO shall be ineligible to reapply for or to hold registration with the United States Drug Enforcement Administration until further notice from THE STATE MEDICAL BOARD OF OHIO. DR. DEGIDIO shall not seek approval from THE STATE MEDICAL BOARD OF OHIO for reinstatement of his registration with the United States Drug Enforcement Administration until twelve (12) months from the effective date of this AGREEMENT and until he has successfully completed the coursework described in subparagraph f and g below.
- f. DR. DEGIDIO shall attend, at his expense, the next available didactic and clinical sessions of the mini-residency entitled "The Proper Prescribing of Controlled Dangerous Substances," as offered by the University of Medicine and Dentistry of New Jersey, School

of Osteopathic Medicine, or a similar course approved in advance by the BOARD. DR. DEGIDIO shall provide acceptable documentation of successful completion of the course. This program shall be in addition to the continuing medical education requirements contained in Chapter 4731, Ohio Revised Code.

- g. DR. DEGIDIO shall attend, at his expense, a pharmacology course approved in advance by the BOARD. DR. DEGIDIO shall provide acceptable documentation of successful completion of the course. This program shall be in addition to the continuing medical education requirements contained in Chapter 4731, Ohio Revised Code.

DR. DEGIDIO 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 during the terms of this CONSENT AGREEMENT.

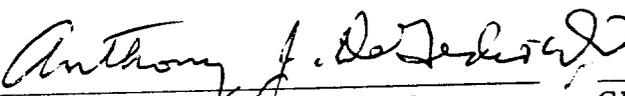
The above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of THE STATE MEDICAL BOARD OF OHIO, DR. DEGIDIO appears to have violated or breached any terms or conditions 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. Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Ohio Revised Code Chapter 119.

DR. DEGIDIO 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.

DR. DEGIDIO 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.

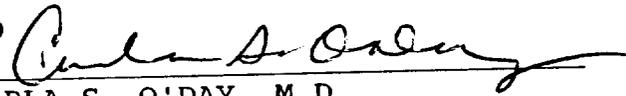
This CONSENT AGREEMENT shall be considered a public record as that term is used in Ohio Revised Code Section 149.43, and shall become effective upon the last date of signature below. Further, this information may be reported by the BOARD to appropriate organizations, data banks and governmental bodies.

  
ANTHONY J. DEGIDIO, D.O.

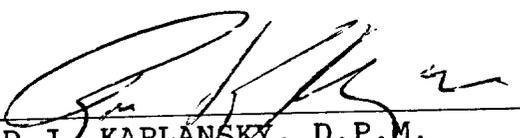
11/20/92  
DATE

  
THOMAS H. ALLISON, ESQ.  
Counsel for  
ANTHONY J. DEGIDIO, D.O.

11/23/92  
DATE

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

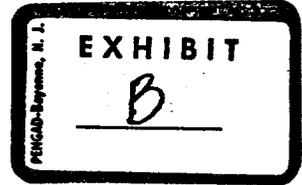
12/2/92  
DATE

  
RONALD J. KAPLANSKY, D.P.M.  
SUPERVISING MEMBER

12/2/92  
DATE

  
SUSAN C. WALKER  
ASSISTANT ATTORNEY GENERAL

12/2/92  
DATE



Carla S. O'Day, M.D.  
SECRETARY, STATE MEDICAL BOARD OF OHIO  
77 South High Street  
Columbus, Ohio 43215

Dear Dr. O'Day:

I hereby declare under penalty of perjury that I have complied with the terms of the Consent Agreement that I entered into with the State Medical Board on \_\_\_\_\_, 1992 for the quarter beginning \_\_\_\_\_ and ending \_\_\_\_\_.

Thank you.

Very truly yours,

ANTHONY J. DEGIDIO, D.O.

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# STATE MEDICAL BOARD OF OHIO

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

July 8, 1992

Anthony J. DeGidio, D.O.  
1195 South Main Street  
Clyde, OH 43410

Dear Doctor DeGidio:

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) In the routine course of your practice you excessively prescribed controlled substances to your patients for long periods of time. Examples of excessive prescribing include, but are not limited to the following: frequent and continued prescribing despite negative diagnostic test results and consultation reports, and prescribing which was often initiated without employing or exhausting other conservative measures or modalities.

Instances of such practices include prescribing to the following patients as identified in the attached Patient Key (Key to be withheld from public disclosure) as disclosed by the patient records:

- (a) Patient 1: excessive prescribing of controlled substance narcotics and narcotic analogues;
- (b) Patient 2: excessive prescribing of controlled substance narcotics and narcotic analogues;
- (c) Patient 3: excessive prescribing of controlled substance narcotics and benzodiazepines;
- (d) Patient 4: excessive prescribing of controlled substance narcotics, narcotic analogues and benzodiazepines;

*Mailed 7/9/92*

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- (e) Patient 5: excessive prescribing of controlled substance narcotics and benzodiazepines; and
- (f) Patients 6 and 7: excessive prescribing of controlled substance narcotics and narcotic analogues.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively constitute "failure to use reasonable care discrimination in the administration of drugs," and "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.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) 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.

Further, your acts, conduct, and/or omissions occurring on or after November 17, 1986, as alleged in paragraphs (1)(a) through (1)(f) above, individually and/or collectively, constitute "(v)iolating 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, a violation of Rule 4731-11-02(C), Ohio Administrative Code, also violates Sections 4731.22(B)(2) and (6), Ohio Revised Code, 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.

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.

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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,



Carla S. O'Day, M.D.  
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 569 363 716  
RETURN RECEIPT REQUESTED