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Franklin County Court of Common Pleas

Date: 09-14-2012
Case Title: BRUCE S WORRELL DO -VS- OHIO STATE MEDICAL BOARD
Case Number: 12CV002396
Type: JOURNAL ENTRY

It Is So Ordered.



/s/ Judge Julie M. Lynch

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
CIVIL DIVISION

BRUCE S. WORRELL, D.O.,

APPELLANT,

vs.

STATE MEDICAL BOARD
OF OHIO,

APPELLEE

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CASE NUMBER 12CVF-2396

JUDGE LYNCH

MAGISTRATE MCCARTHY

DECISION TO AFFIRM

LYNCH, J.

I

This matter is now before the court on the merits of this administrative appeal. By way of factual background, appellant, Bruce S. Worrell was a physician licensed by the State Medical Board of Ohio to practice osteopathic medicine in Ohio. Dr. Worrell was called upon to respond to appellee's proposed disciplinary action against his certificate to practice medicine in this state. In that regard, focus was placed on the following statutory sanctioning bases:

[R.C. 4731.22] (B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

* * *

(5) Making 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.

* * *

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

* * *

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

* * *

(15) Violation of the conditions of limitation placed by the board upon a certificate to practice[.]

A hearing was held before the hearing examiner on November 30, 2011, who issued her report on January 10, 2012. Of interest is the fact that appellant agreed to the facts as proffered by appellee and entered into a stipulation admitting to the truth of the factual and legal allegations contained in the notice for opportunity for hearing. Following the hearing, an adjudication order was issued on February 9, 2012 which found violations of all charges. This was followed by a permanent revocation of appellant's certificate to practice medicine in Ohio. From that adjudication order appellant brings the instant appeal.

II

By way of pertinent background, in 2003, appellant admitted to appellee that his abilities were impaired due to an abuse of drugs and that he had engaged in felonious conduct in obtaining scheduled medication that he abused. As a result, appellant found himself on agency-imposed probation until September 2008. One

of the terms of the probation was that appellant agreed that he would not violate any federal or state law.

As a further result of his problem with drugs, in June 2004, the federal government notified appellant that he was excluded from direct or indirect participation in all federal health care programs, including Medicaid and Medicare. Thereafter, appellant was employed at an Urgent Care facility and was involved in treating Medicare / Medicaid patients. The federal government was charged for the medical services provided by appellant, and appellant was charged with health care fraud due to covert billing practices and his disqualification from involving himself in federal health care programs. Appellant entered a plea of guilty which was accepted by the federal court.

In the instant case, as mentioned, in responding to appellee's current allegations of wrongdoing, appellant has entered into a consent agreement containing admissions and stipulations of misconduct. In sum, appellant has admitted to the truth of all of the allegations set forth in the due process notice of allegations of his wrongdoing.

III

This appeal is governed by R.C. 119.12 which in pertinent part provides:

The court may affirm the order of the agency complained of in the appeal if it finds, upon consideration of the entire record and such additional evidence as the court has admitted, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it may reverse, vacate, or modify the order or make such other ruling as is supported by reliable, probative, and substantial evidence and is in accordance with law.

In considering this matter on appeal, this court is limited to determining whether appellee's adjudication order is supported by sufficient evidence in the record and whether it is lawful. A court of common pleas is bound to uphold an order of the State Medical Board if that order is supported by reliable, probative, and substantial evidence and is in accordance with the law. *Pons v. Ohio State Med. Bd.* (1993), 66 Ohio St. 3d 619, 621, 614 N.E.2d 748; *Hayes v. State Med. Bd. of Ohio* (2000), 138 Ohio App. 3d 762, 767, 742 N.E.2d 238.

IV

In support of his appeal, appellant raises two arguments. First, appellant contends the subject adjudication order is "invalid and ineffective" because it does not comply with the requirements of R.C. 119.09 and, second, because it is contrary to law and not supported by reliable, probative and substantial evidence because it allegedly was based on the mistaken belief that taxpayers suffered a financial loss as a result of appellant's misconduct.

R.C. 119.09 provides, in relevant part, "No such recommendation (of the hearing examiner) shall be final until confirmed and approved by the agency as indicated by the order entered on its record of proceedings[.]" Appellant contends that the adjudication order sent to him was not a final order. He supports that conclusion based upon the premise that the minutes of the involved board meeting on February 8, 2011 had not been approved by the board prior the board issuing its adjudication order. Appellee, on the other hand, contends that the minutes do not constitute the adjudication order.

Upon review, the court concurs with appellee. R.C. 119.09 concerns the specific requirements involved with an adjudication hearing and the production of its resultant final appealable order. No mention whatever is made of minutes being (1) required or (2) a necessary precondition to the issuance of an adjudication order. As appellee correctly points out, the minutes are not the order, but merely a part of the record that must be transmitted to this court if an appeal is filed.

In this same vein, appellant calls the court's attention to O.A.C. 4739-9-01(A) which provides that the minutes of board meetings, upon approval by the board, shall constitute the official record of its proceedings. The minutes sent to appellant along with appellee's adjudication order were not a final copy of the minutes, which were approved the following month. Nevertheless, as mentioned above, an adjudication order can issue in the absence of minutes. Moreover, no contention is made that the unapproved minutes were different than the nonapproved version, or that appellant has been prejudiced in the slightest in this case by the minutes being approved one month following his receipt of them. Appellant's first issue on appeal is found to be without merit.

V

Next, appellant claims the appealed order is not supported by reliable, probative and substantial evidence because it was based on a purported mistaken belief that taxpayers suffered a financial loss as a result of appellant's misconduct. Here, appellant makes reference to a single statement offered by board member Dr. Steinbergh during the board's discussion of the approval of the hearing officer's

findings and proposed order. He is reported to have stated that appellant defrauded the government and, by extension all taxpayers.

Appellant concludes that from this single offering of an opinion, "the Board fundamentally misunderstood the nature of [appellant's] felony conviction." Appellee takes the position that the statement was factually correct inasmuch as appellant improperly and covertly obtained government funds to which he was not entitled.

In this case, it matters not if the single statement offered by a single board member is true, false or merely an offering of subjective opinion. The statement is a nonissue because, with or without it, it is the case that the board's considered adjudication order is supported by reliable, probative, and substantial evidence and is in accordance with law.

The order is therefore affirmed. Judgment is hereby entered in favor of appellee and against appellant. Costs to be paid by appellant.

Copies to:

Eric J. Plinke, Esq.
Counsel for Appellant

Kyle C. Wilcox, Esq.
Counsel for Appellee

Franklin County Court of Common Pleas

Date: 07-19-2012
Case Title: BRUCE S WORRELL DO -VS- OHIO STATE MEDICAL BOARD
Case Number: 12CV002396
Type: DECISION

It Is So Ordered.

A handwritten signature in black ink that reads "Julie M. Lynch". The signature is written in a cursive style with a large, looping initial "J".

/s/ Judge Julie M. Lynch

0A249 - H42

BEFORE THE STATE MEDICAL BOARD OF OHIO

Bruce S. Worrell, D.O.
1080 River Forest Drive
Maineville, Ohio 45039

Appellant,

vs.

State Medical Board of Ohio
30 East Broad Street, 3rd Floor
Columbus, Ohio 43215

Appellee.

Case No. _____

Judge _____

APPEAL FROM THE ENTRY
OF ORDER OF FEBRUARY 8, 2012
MAILED FEBRUARY 9, 2012

NOTICE OF APPEAL

Appellant Bruce S. Worrell D.O., by and through counsel, and pursuant to Ohio Revised Code § 119.12, timely submits this notice of appeal from the Entry of Order of Appellee, the State Medical Board of Ohio ("Board"), which permanently revoked Dr. Worrell's certificate to practice osteopathic medicine and surgery in the State of Ohio. The Board's Entry of Order is dated February 8, 2012, and was mailed on February 9, 2012. This appeal is based on the following grounds:

1. The Board's Entry of Order dated February 8, 2012, is not supported by reliable, probative, and substantial evidence and is not in accordance with the law.

A copy of the Board's Entry of Order is attached as "Exhibit A."

Respectfully submitted,

DINSMORE & SHOHL LLP



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Counsel for Bruce S. Worrell, D.O.

STATE MEDICAL BOARD
OF OHIO

2012 FEB 28 AM 11:45

STATE MEDICAL BOARD
OF OHIO
2012 FEB 23 AM 11:01

0A249 - H43

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 23rd day of February, 2012, the foregoing Notice of Appeal was filed via hand delivery with the State Medical Board of Ohio, and a copy filed with the Franklin County Court of Common Pleas, and with an additional copy served by regular U.S. mail upon the following:

Kyle Wilcox
Assistant Attorney General
Health and Human Services Section
Ohio Attorney General's Office
Health and Human Services
30 East Broad Street, 26th Floor
Columbus, Ohio 43215



Eric J. Plinke

642209v1

STATE MEDICAL BOARD
OF OHIO

2012 FEB 28 AM 11:45

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

February 8, 2012

Bruce S. Worrell, D.O.
1080 River Forest Drive
Maineville, OH 45039

RE: Case No. 11-CRF-078

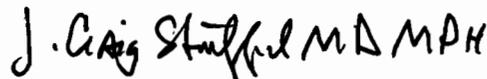
Dear Doctor Worrell:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Danielle R. Blue, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 8, 2012, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



J. Craig Stafford, M.D., M.P.H.
Secretary

JCS:jam
Enclosures

CERTIFIED MAIL NO. 91 7199 9991 7030 3310 5086
RETURN RECEIPT REQUESTED

Mailed 2-9-12

Cc: Eric J. Plinke, Esq.

CERTIFIED MAIL NO. 91 7199 9991 7030 3310 5093

RETURN RECEIPT REQUESTED

Stephanie P. Franckewitz, Esq.

CERTIFIED MAIL NO. 91 7199 9991 7030 3310 5109

RETURN RECEIPT REQUESTED

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Danielle R. Blue, State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 8, 2012, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Bruce S. Worrell, D.O., Case No. 11-CRF-078, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.



J. Craig Strafford, M.D., M.P.H.
Secretary

(SEAL)

February 8, 2012
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 11-CRF-078

BRUCE S. WORRELL, D.O.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on February 8, 2012.

Upon the Report and Recommendation of Danielle R. Blue, State Medical Board Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

The certificate of Bruce S. Worrell, D.O., to practice osteopathic medicine and surgery in the State of Ohio is hereby PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



J. Craig Stafford, M.D., M.P.H.
Secretary

(SEAL)

February 8, 2012

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 11-CRF-078

Bruce S. Worrell, D.O.,

*

Hearing Examiner Blue

Respondent.

*

REPORT AND RECOMMENDATION

Basis for Hearing:

By letter dated July 13, 2011, the State Medical Board of Ohio [Board] notified Bruce S. Worrell, D.O., that it intended to determine whether to take disciplinary action against his certificate to practice medicine and surgery in Ohio based on his alleged violation of a 2003 Step II Consent Agreement issued by the Board. The Board alleged that, on February 23, 2011, Dr. Worrell was convicted of one felony count of Health Care Fraud, in violation of 18 U.S.C. §1347.

The Board further alleged that Dr. Worrell's acts, conduct, and/or omissions, individually and/or collectively, constitute:

- "A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as set forth in Ohio Revised Code Section [R.C.] 4731.22(B)(9).
- "Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine or surgery, osteopathic medicine and surgery, podiatry, 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 set forth in R.C. 4731.22(B)(5).
- "The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice," as set forth in R.C. 4731.22(B)(8).
- "Violation of the conditions of limitation placed by the board upon a certificate to practice," as set forth in R.C. 4731.22(B)(15)

Accordingly, the Board advised Dr. Worrell of his right to request a hearing in this matter. By request filed on August 8, 2011, Dr. Worrell requested a hearing. (State's Exhibits [St. Exs.] 1A, 1B)

In the Matter of Worrell, D.O.
Case No. 11-CRF-076

Appearances:

Mike DeWine, Attorney General, and Kyle C. Wilcox, Assistant Attorney General, for the State of Ohio. Eric J. Plinke, Esq., and Stephanie P. Franckewitz, Esq., for Dr. Worrell.

Hearing Date: November 30, 2011

SUMMARY OF THE EVIDENCE

All evidence admitted in this matter, even if not specifically mentioned, was thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background Information

1. Bruce S. Worrell, D.O., received his medical degree in 1977 from the Philadelphia College of Osteopathic Medicine. From 1977 to 1978, he interned at Grandview Hospital in Dayton, Ohio. In 1978, Dr. Worrell entered into an internal medicine residency at Grandview Hospital which he completed in 1981. Dr. Worrell was initially licensed to practice medicine and surgery in Ohio in 1978. (Hearing Transcript [Tr.] at 20, 23; Ohio eLicense at <<https://license.ohio.gov/lookup>>, query on December 29, 2011)
2. Dr. Worrell's employment history is as follows:
 - From 1981 until 1997, Dr. Worrell was a solo practitioner in Cincinnati, Ohio.
 - From 1997 until 2003, Dr. Worrell practiced at Butler Health Associates in Springdale, Ohio.
 - From early 2004 through August 2010, he was the owner and physician at My Doctor Makes House Calls.
 - From August 2004 through August 2005, he was the Medical Director at Health Plus in Cincinnati, Ohio.
 - From August 2005 through October 2008, he was a Staff Physician at Urgent Care of Hamilton in Hamilton, Ohio.
 - From May 2007 to the present, he is the Medical Director and part-owner of the Center for Optimal Vitality in Cincinnati, Ohio.

(St. Ex. 4 at 1-3; Tr. at 20-21, 80-82)

In the Matter of Worrell, D.O.
Case No. 11-CRF-076

2003 Step I Consent Agreement

3. On March 13, 2003, the Board approved a Step I Consent Agreement [Step I Consent Agreement] between Dr. Worrell and the Board. The Step I Consent Agreement, among other things, suspended his certificate to practice medicine and surgery in Ohio for an indefinite period of time, but not less than 180 days, based upon his violations of R.C. 4731.22(B)(26) and R.C. 4731.22(B)(10) to wit: R.C. 2925.22(A), Deception to Obtain a Dangerous Drug. The Step I Consent Agreement was based, in part, on Dr. Worrell admitting that he was impaired in his ability to practice medicine and surgery due to his habitual or excessive use or abuse of drugs, and his felonious conduct to obtain Vicodin for his own use. The Step I Consent Agreement went into effect on March 13, 2003 and was later superseded by a Step II Consent Agreement. (St. Ex. 2 at 1-8; Tr. at 24)
4. Dr. Worrell testified regarding the circumstances surrounding the Step I Consent Agreement:

[i]n the end of 2002, December 22nd, matter of fact, my wife experienced a very shocking situation where two law enforcement agents showed up at our home when she was making Christmas cookies and proceeded to tell her that her husband was obtaining Vicodin illegally, which she knew nothing about, and which resulted in my being arrested by Hamilton County.

And since that is not something that we should be doing, it was reported to the State Medical Board and the proceedings from there, and resulting into a Step I and Step II agreement.

(Tr. at 24-25)

5. Dr. Worrell admitted that, on January 22, 2003, in the Hamilton County Court of Common Pleas, he was indicted on eight felony counts of Deception to Obtain a Dangerous Drug. He testified that he was subsequently found eligible for intervention in lieu of conviction of a felony. Dr. Worrell stated that, as a result, he completed a 30-day in-house treatment program and 15-month outpatient program. (Tr. at 27-28)

2003 Step II Consent Agreement

6. On September 10, 2003, the Board approved a Step II Consent Agreement [Step II Consent Agreement] between Dr. Worrell and the Board, in which his certificate to practice medicine and surgery was reinstated subject to certain probationary terms, conditions and limitations. The Step II Consent Agreement became effective on September 10, 2003 and was in effect until September 10, 2008. (St. Ex. 2 at 9-18; Tr. at 29)

In the Matter of Worrell, D.O.
Case No. 11-CRF-076

7. The Step II Consent Agreement included the following provision in Paragraph 1:

Dr. Worrell shall obey all federal, state, and local laws, and all rules governing the practice of osteopathic medicine in Ohio, and all terms of probation that may be imposed by the Court of Common Pleas, Drug Court-Criminal Division, of Hamilton County, Ohio, in criminal case number Case #B-0300518.

(St. Ex. 2 at 11)

8. Dr. Worrell admitted that, by 2005, he was not in compliance with Paragraph 1 of the Step II Consent Agreement and acknowledged that he violated the terms of his agreement when he committed health care fraud. (Tr. at 30-31)

June 2004 Exclusion Letter

9. By letter dated June 30, 2004, the United States Department of Health & Human Services notified Dr. Worrell that, “due to his felony conviction,” he was “being excluded from participation in the Medicare, Medicaid, and all Federal health care programs * * * for a period of 5 years, * * *.” (St. Ex. 5) The letter also set forth the potential punishment if Dr. Worrell violated the conditions of the exclusion:

Violations of the conditions of your exclusion may subject you to criminal prosecution, the imposition of civil monetary penalties (42 U.S.C. 1320a-7a – 42 U.S.C. 1320a-7b), and the denial of your reinstatement to the programs.

(St. Ex. 5)

10. Dr. Worrell acknowledged that he received and read the June 2004 letter. He stated that he understood the exclusion but he did not fully comprehend the penalties for violating the conditions of the exclusion. (Tr. at 33-36) He explained:

When I read this originally, my take on that was the permanent revocation of Medicare/Medicaid patients and a possible fine. And when I discussed this with whoever, and I don't remember at this point in time who it was regarding this, the main thing that was emphasized to me was the permanent revocation of seeing Medicare, Medicaid patients.

* * *

The criminal prosecution part, when I read it back then, didn't even register to me what that meant.

In the Matter of Worrell, D.O.
Case No. 11-CRF-076

(Tr. at 35)

11. Dr. Worrell testified that, in the fall of 2004, he was hired by Health Plus, a chiropractic office, to perform physicals and prescribe physical therapy while he was appealing the exclusion. He stated that, while at Health South, he was not permitted to see any Medicare/Medicaid patients. Dr. Worrell testified that he was eventually terminated from Health Plus in the summer of 2005 when his appeals failed. (Tr. at 44-45, St. Ex. 4 at 2)

Urgent Care of Hamilton

12. Dr. Worrell testified that, in July 2005, he interviewed for a job opening at Urgent Care of Hamilton [Urgent Care]. He testified that he interviewed with Dr. H. Charles Miller, the owner of the practice, and provided him “all of the things that I was excluded from” including his “Step II, Workmen’s Comp, Medicare/Medicaid.” (Tr. at 37-39)
13. Dr. Worrell testified that he told Dr. Miller about the exclusion and Dr. Miller told him, “That’s okay, because we don’t bill under the doctor’s number. Because of being [an] urgent care, we bill under a corporate number.” (Tr. at 46)
14. Dr. Worrell testified that, from August 2005 through the fall of 2008, he was employed as a physician at Urgent Care. He admitted that, despite the exclusion, he treated Medicare and Medicaid patients while he was employed at Urgent Care. Dr. Worrell was terminated from Urgent Care in the fall of 2008. (Tr. at 48-49)

2010 Guilty Plea

15. On April 27, 2010, an Information was filed in the United States District Court for the Southern District of Ohio, Western Division, charging Dr. Worrell with one felony count of Health Care Fraud, in violation of 18 U.S.C. §1347. (St. Ex. 3 at 7-8)
16. On April 27, 2010, Dr. Worrell entered into a plea agreement in which he pleaded guilty to the felony count. On February 23, 2011, the court accepted his plea agreement and found Dr. Worrell guilty of one felony count of Health Care Fraud, a violation of 18 U.S.C. §1347. (St. Ex. 3 at 9-18; Tr. at 55) As part of his plea agreement, he acknowledged the following statement of facts as true:
 - [Dr. Worrell] “knowingly executed a scheme to defraud Medicaid and Medicare by treating patients covered under these federal health programs and submitting claims for payment while excluded from participation in the programs.”
 - “As part of the scheme to defraud, [Dr. Worrell] knowingly made material misrepresentations and omissions when he submitted claims to Medicaid and Medicare utilizing another physician’s name and provider number which circumvented his exclusion.”

In the Matter of Worrell, D.O.
Case No. 11-CRF-076

- “A review of [Dr. Worrell’s] personnel file shows there was no indication that he was excluded from participation in the federal health care programs.”
- “As part of the investigation, three recorded undercover operations were conducted by [Attorney General] agents on or about April 25, May 15, and June 10, 2008. On each day, an agent posed as a Medicaid patient seeking treatment at Urgent Care. All three undercover agents were treated by [Dr. Worrell]. Each agent clearly communicated the fact that they were Medicaid patients to [Dr. Worrell]. * * * Medicaid claims were submitted and paid for those services.”
- “From on or about January 2 through on or about October 30, 2007, [Dr. Worrell] caused claims to be submitted to Medicaid and Medicare for services rendered to patients of both programs. The amount paid by Medicaid and Medicare for these claims totaled approximately \$167,163.86 * * * .”
- “There was no fraud in the treatment or standard of care provided to any patient covered by Medicaid or Medicare, only in the billing of such treatment and care.”

(St. Ex. 3 at 16-18)

17. As set forth in the Judgment Entry filed on February 23, 2011, the court imposed a sentence of one day in jail to be followed by supervised release for 3 years. The court further ordered that Dr. Worrell shall participate in home detention for a period of 14 months, ordered Dr. Worrell to pay restitution in the amount of \$167,163.86 plus interest, and also to pay a fine of \$30,100.00. (St. Ex. 3 at 1-6)

Stipulation of the Parties

18. At the hearing on November 30, 2011, the parties entered into written Stipulations in which Dr. Worrell admitted the truth of the factual and legal allegations set forth in the Board’s July 13, 2011 notice of opportunity for hearing. Specifically, the parties stipulated that:
 - (1) In response to the allegations set forth in Paragraph 1 of the July 13, 2011, Notice of Opportunity for Hearing, Respondent acknowledges that he entered into a Step 1 Consent Agreement with the Board on March 13, 2003, pursuant to which his Ohio certificate to practice osteopathic medicine and surgery was suspended. Respondent also acknowledges that on September 10, 2003 he entered into a Step II Consent Agreement with the Board, pursuant to which his Ohio certificate was reinstated, subject to certain terms, limitations and conditions. Finally, Respondent acknowledges he remained subject to the Step II Consent Agreement until [on] or about September 10, 2008, when he was released.

In the Matter of Worrell, D.O.
Case No. 11-CRF-076

- (2) In response to the allegations set forth in Paragraph 2 of the Notice of Opportunity for Hearing, Respondent acknowledges that in a letter dated June 30, 2004, the United States Department of Health and Human Services notified him that he was “excluded from participation in Medicare, Medicaid, and all Federal health care programs,” effective 20 days from the date of the letter. Respondent acknowledges that he twice appealed the exclusion, and was denied both times.
- (3) In response to the allegations set forth in Paragraph 3 of the Notice of Opportunity for Hearing, Respondent acknowledges that he obtained employment as a physician at Urgent Care of Hamilton in August 2005, and while employed with Urgent Care of Hamilton he saw patients who participated in the Medicare and Medicaid health care programs. The requests for payment were coded to a number for Urgent Care and did not indicate that he was the provider.
- (4) In response to the allegations set forth in Paragraph 4 of the Notice of Opportunity for Hearing, Respondent acknowledges that on April 27, 2010[,] he was charged in the United States District Court, Southern District of Ohio, Western Division, with one count of violating 18 U.S.C. Section 1347. Respondent acknowledges that on April 27, 2010[,] he entered into a Plea Agreement, pleading guilty to the foregoing count. The guilty plea was accepted on February 23, 2011, and Respondent acknowledges that he was sentenced to one day in jail, Home Detention, payment of a special assessment and fine, and payment of restitution plus interest.

(Joint Exhibit 1)

Dr. Worrell’s Response

19. Dr. Worrell testified that it was “extremely” difficult for him to find a job with the exclusion. He stated that he made over one “hundred different attempts” at finding employment. For example, he testified that he delivered phone books for a few months to make money. (St. Ex. 4 at 1-3; Tr. at 45-46, 74-75)
20. Dr. Worrell testified regarding why he chose to treat Medicare and Medicaid patients even though he knew he had been excluded from doing so:

The reason why I did what I did was I was faced with losing my house, all my kids having to be taken out of private school, possibly losing my wife and family, which second to God is the most important thing in my life.

In the Matter of Worrell, D.O.
Case No. 11-CRF-076

When I made that decision, a criminal offense, any of that was not even in my mind.

As far as I knew, what I was looking at was a permanent revocation from Medicare/Medicaid and a fine. My thinking was, okay, I'm permanently - - I cannot see Medicare/Medicaid, but if I can still practice medicine, I may be able to still provide for my family and myself.

(Tr. at 63-64)

21. Dr. Worrell testified that he served one day in jail and paid full restitution. However, he stated that he is still under supervised release until February 2014. (Tr. at 60-62)
22. Dr. Worrell testified that he accepts responsibility for his actions. Furthermore, he stated that this Board should trust him because "nothing I did affected patient care." (Tr. at 58, 66)
23. Dr. Worrell stated that he has not suffered a relapse since completing treatment in 2003. (Tr. at 78)
24. Dr. Worrell testified that he is currently practicing at the Center for Optimal Vitality in which he is a co-owner with his wife. He stated that the business is cash-only and does not accept any insurance. (Tr. at 78, 99) He described his practice as follows:

Our practice is based on biochemical hormone replacement therapy where we treat men and women who are going through menopause, andropause and suffering the ramifications of that, and providing natural bioidentical hormones for that. We also have a hormone weight loss program to kind of balance that out.

(Tr. at 21)

Other Support

25. Dr. Worrell submitted several letters of support from his former probation officer, colleagues, friends, and patients. (Respondent's Exhibit [Resp. Ex.] A)
26. Dr. Worrell also submitted a copy of the sentencing transcript dated February 22, 2011. In weighing Dr. Worrell's sentence, the Honorable Herman J. Weber made the following observations which caused him to "weigh in favor of leniency:"

To reflect the seriousness of the offense, now Medicare fraud is something that we can't afford to permit to take place. However, in this case, it is certainly on the outer fringe of Medicare fraud and, truly, I compliment

In the Matter of Worrell, D.O.
Case No. 11-CRF-076

the doctor for accepting the responsibility of his activities and not bringing this case to trial.

* * *

I find that I am completely satisfied that this defendant will not subject the public to any further crimes that he may even think about committing. I am satisfied that he will not be a threat to himself or to society or to the public.

* * *

The experience that he has lived since 2003 demonstrates that he can keep sober. And that is an impressive accomplishment, and that is what correctional treatment is all about.

* * *

In this case, there was no issue of patient safety.

(Resp. Ex. C at 30-36)

27. On July 12, 2011, Dr. Worrell entered into an exclusion agreement with the U.S. Department of Health and Human Services to be excluded from Medicaid and Medicare health care programs for an additional fifteen years. (Tr. at 93-94; Resp. Ex. D)

FINDINGS OF FACT

1. On March 13, 2003, the Board approved a Step I Consent Agreement between Bruce S. Worrell, D.O., and the Board. The Step I Consent Agreement, among other things, suspended his certificate to practice medicine and surgery in Ohio for an indefinite period of time, but not less than 180 days, based upon his violations of R.C. 4731.22(B)(26) and R.C. 4731.22(B)(10) to wit: R.C. 2925.22(A), Deception to Obtain a Dangerous Drug. The Step I Consent Agreement was based, in part, on Dr. Worrell admitting that he was impaired in his ability to practice medicine and surgery due to his habitual or excessive use or abuse of drugs, and his felonious conduct to obtain Vicodin for his own use. The Step I Consent Agreement went into effect on March 13, 2003, and was superseded by the Step II Consent Agreement.
2. On September 10, 2003, the Board approved a Step II Consent Agreement between Dr. Worrell and the Board, in which his certificate to practice medicine and surgery was reinstated subject to certain probationary terms, conditions, and limitations. The Step II

In the Matter of Worrell, D.O.
Case No. 11-CRF-076

Consent Agreement went into effect on September 10, 2003, and remained in effect until September 10, 2008.

3. By letter dated June 30, 2004, the United States Department of Health & Human Services notified Dr. Worrell that he was excluded from participating in the Medicare, Medicaid, and all Federal health care programs for a period of five years.
4. Dr. Worrell failed to comply with Paragraph 1 of the Step II Consent Agreement. Paragraph 1 of the Step II Consent Agreement required that Dr. Worrell obey all federal, state, and local laws, and rules governing the practice of medicine in Ohio. Beginning in August 2005 through at least 2007, Dr. Worrell treated Medicare and Medicaid patients at Urgent Care and billed Medicare and Medicaid for his services.
5. On April 27, 2010, in the U.S. District Court for the Southern District of Ohio, Western Division, Dr. Worrell entered into a plea agreement in which he pleaded guilty to one felony count of Health Care Fraud, in violation of 18 U.S.C. §1347. On February 23, 2011, the court accepted his plea agreement and found Dr. Worrell guilty of the felony count. The court imposed a sentence of one day in jail to be followed by supervised release for 3 years, home detention for a period of 14 months, ordered Dr. Worrell to pay restitution in the amount of \$167,163.86 plus interest, and to pay a fine of \$30,100.00.

CONCLUSIONS OF LAW

1. The acts, conduct, and/or omissions of Bruce S. Worrell, D.O., as set forth above in Findings of Fact 5, individually and/or collectively, constitute a “plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as set forth in R.C. 4731.22(B)(9).
2. Dr. Worrell’s acts, conduct, and/or omissions, as set forth above in Findings of Fact 3 and 4, 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 or surgery, osteopathic medicine and surgery, podiatry, 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 set forth in R.C. 4731.22(B)(5).
3. Dr. Worrell’s acts, conduct, and/or omissions, as set forth above in Findings of Fact 3 and 4, individually and/or collectively, constitute “[t]he obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice,” as set forth in R.C. 4731.22(B)(8).
4. Dr. Worrell’s acts, conduct, and/or omissions, as set forth above in Findings of Fact 1 through 5, individually and/or collectively, constitute a “[v]iolation of the conditions of

In the Matter of Worrell, D.O.
Case No. 11-CRF-076

limitation placed by the board upon a certificate to practice,” as set forth in R.C.
4731.22(B)(15)

DISCUSSION OF PROPOSED ORDER

The allegations in this case are undisputed. In 2004, Dr. Worrell was notified that he was excluded from participating in the Medicare, Medicaid, and all federal health care programs for a period of five years. However, beginning in 2005 through at least 2007, Dr. Worrell committed health care fraud when he knowingly treated Medicare and Medicaid patients and billed for his services. As a result, in 2011, Dr. Worrell was convicted of a felony and sentenced for his crime.

Counsel for Respondent argues that there are several mitigating factors that should deter this Board from ordering a permanent revocation. First, Respondent has taken responsibility for his actions. He has acknowledged that he broke the law and has been punished. Second, Respondent’s counsel asks this Board to consider the federal judge’s remarks in the sentencing transcript. Specifically, Respondent’s counsel points to the section in which the federal judge weighs in favor of leniency for Dr. Worrell because there was no fraud in treatment or any risk to patient safety. Third, Dr. Worrell did not relapse during this period of time. Finally, Dr. Worrell is not at risk to repeat this behavior because he has a successful practice which does not take insurance and he has been excluded from all federal health care programs for the next 15 years.

The Hearing Examiner is not convinced that the above-mentioned mitigating factors outweigh the seriousness of Dr. Worrell’s offense and the aggravating factors that were presented by the State. First, Dr. Worrell’s conduct was not an isolated event. Dr. Worrell knowingly treated Medicare and Medicaid patients and billed for his services for at least two years. Second, it is questionable whether Dr. Worrell learned from his mistakes. In 2002, Dr. Worrell broke the law when he illegally obtained Vicodin for his own use. In that case, the court gave Dr. Worrell a second chance by granting him an intervention in lieu of felony convictions. As a result of this encounter with the court, one would have expected Dr. Worrell to learn from his mistakes and not break the law again. However, a few years later, Dr. Worrell knowingly broke the law again by committing healthcare fraud for at least two years. Third, honesty and integrity are essential to the practice of medicine. Dr. Worrell has failed to exhibit these character traits in situations in which he is under stress.

Based on the foregoing, the Hearing Examiner finds that the aggravating factors outweigh the mitigating factors in this case and therefore, a permanent revocation is warranted to protect the public.

In the Matter of Worrell, D.O.
Case No. 11-CRF-076

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Bruce S. Worrell, D.O., to practice medicine and surgery in the State of Ohio is hereby PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

A handwritten signature in cursive script, reading "Danielle R. Blue", is written over a horizontal line.

Danielle R. Blue, Esq.
Hearing Examiner

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF FEBRUARY 8, 2012

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Mahajan announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings and Proposed Order appearing on its agenda.

Dr. Mahajan asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Phillip Jeffrey Truesdale; and Bruce S. Worrell, D.O. A roll call was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- aye
	Dr. Amato	- aye
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Bechtel	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

Dr. Mahajan asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- aye
	Dr. Amato	- aye
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Bechtel	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

Dr. Mahajan noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Strafford and Dr. Talmage served as Secretary, and Dr. Amato served as Supervising Member.

Dr. Mahajan reminded all parties that no oral motions may be made during these proceedings.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....
BRUCE S. WORRELL, D.O., Case No. 11-CRF-078
.....

Dr. Madia moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Bruce S. Worrell, D.O. Dr. Bechtel seconded the motion.

.....
A vote was taken on Dr. Madia's motion to approve:

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Bechtel	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion to approve carried.



State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

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July 13, 2011

Case number: 11-CRF- *078*

Bruce S. Worrell, D.O.
1119 Windsail Cove
Loveland, Ohio 45140

Dear Doctor Worrell:

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 certificate to practice osteopathic medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about March 13, 2003, you entered into a Step I Consent Agreement with the Board [March 2003 Step I Consent Agreement], pursuant to which your Ohio certificate to practice osteopathic medicine and surgery was suspended for an indefinite period of time, but not less than 180 days. A copy of the March 2003 Step I Consent Agreement is attached hereto and incorporated herein by reference. The March 2003 Step I Consent Agreement was based upon your admission that you are impaired in your ability to practice medicine and surgery according to acceptable and prevailing standards of care due to the habitual or excessive use or abuse of drugs, and your felonious conduct to obtain Vicodin.

On or about September 10, 2003, you entered into a Step II Consent Agreement with the Board [September 2003 Step II Consent Agreement], pursuant to which your Ohio certificate to practice osteopathic medicine and surgery was reinstated, subject to certain terms, limitations and conditions. A copy of the September 2003 Step II Consent Agreement is attached hereto and incorporated herein by reference.

According to paragraph 1 of your September 2003 Step II Consent Agreement, while you were subject to that Consent Agreement, you were to obey all federal, state, and local laws, and all rules governing the practice of osteopathic medicine in Ohio.

Mailed 7-14-11

You remained subject to the September 2003 Step II Consent Agreement until on or about September 10, 2008, at which time you were released.

- (2) In a letter dated June 30, 2004, the United States Department of Health and Human Services notified you that you were “excluded from participation in the Medicare, Medicaid, and **all** Federal health care programs,” effective 20 days from the date of the letter. An enclosure to the letter informed you that the exclusion was global, regardless of your job or location; that you could not submit claims or cause claims to be submitted for payment; and that violations of the conditions of your exclusion may subject you to criminal prosecution. The letter also provided instruction on how you could appeal the exclusion. Although you twice appealed the exclusion, your appeals were denied.
- (3) In or around August 2005, you obtained employment as a physician at Urgent Care of Hamilton [Urgent Care]. While so employed, you knowingly saw patients who participated in the Medicare and Medicaid health care programs [Medicare/Medicaid patients]. With your knowledge and consent, Urgent Care submitted requests for payment to the Medicare and Medicaid health care programs, seeking payment for the services you rendered to the Medicare/Medicaid patients. The requests for payment were coded to a number for Urgent Care and did not indicate that you had provided the services.
- (4) On or about April 27, 2010, in the United States District Court, Southern District of Ohio, Western Division, you were charged with one count of violating 18 U.S.C. Section 1347. The Information as filed alleged that, from in or about August 2005 through October 21, 2008, during your employment at Urgent Care, you treated Medicare and Medicaid patients and submitted and/or caused to be submitted for reimbursement patient bills for medical treatment you provided, even though you were excluded from participation in all federal health care programs.

On or about April 27, 2010, you enter into a Plea Agreement wherein you agreed to plead guilty to the foregoing count.

On or about February 23, 2011, the United States District Court for the Southern District of Ohio, Western Division, accepted your guilty plea. You were sentenced to one day in jail and you were placed on supervised release for a period of three years, fourteen months of which you were to serve on Home Detention. You also were ordered to pay a special assessment of \$100.00 and a fine of \$30,000.00 and make restitution in the amount of \$167,163.86, plus interest.

Your plea of guilty or the judicial finding of guilt as alleged in paragraph (4) above, individually and/or collectively, constitutes “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (2) and (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, podiatry, 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.

Additionally, your acts, conduct, and/or omissions as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute “[t]he obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice,” as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) above, individually and/or collectively, constitute a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” as that clause is used in Section 4731.22(B)(15), 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 certificate to practice osteopathic medicine and surgery 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,

A handwritten signature in black ink, appearing to read "Lance A. Talmage". The signature is fluid and cursive, with the first name "Lance" being the most prominent.

Lance A. Talmage, M.D.
Secretary

LAT/CDP/flb
Enclosures

CERTIFIED MAIL #91 7199 9991 7030 3380 5443
RETURN RECEIPT REQUESTED

cc: Stephanie P. Franckewitz
5405 Dupont Circle, Suite E
Milford, Ohio 45150

CERTIFIED MAIL #91 7199 9991 7030 3380 5436
RETURN RECEIPT REQUESTED

**STEP II
CONSENT AGREEMENT
BETWEEN
BRUCE S. WORRELL, D.O.,
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Worrell 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 Section 4731.22(B), 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 violation of Section 4731.22(B)(26), Ohio Revised Code, "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," and/or Section 4731.22(B)(10), Ohio Revised Code, "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(10) and (26), Ohio Revised Code, as set forth in Paragraphs E and F of the Step I Consent Agreement Between Bruce S. Worrell, D.O., and the State Medical Board of Ohio that became effective on March 13, 2003, [March 2003 Step I Consent Agreement], a copy of which is attached hereto and fully incorporated herein. The Board 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, including but not limited to violations based on any methods used by Dr. Worrell to obtain controlled substances for self-use other than those specifically referenced in Paragraph E of the March 2003 Step I Consent Agreement, and any criminal charges

or proceedings other than those specifically referenced in Paragraph F of the March 2003 Step I Consent Agreement. Such express reservation includes, but is not limited to, the right to institute formal proceedings based upon any violations related to patient care, regardless of whether the acts underlying such additional violations are related to the violations of Section 4731.22(B)(26) and/or (B)(10), Ohio Revised Code, as set forth in the March 2003 Step I Consent Agreement or herein.

- C. Dr. Worrell is applying for reinstatement of his certificate to practice osteopathic medicine and surgery in the State of Ohio, License # 34-002776, which was suspended pursuant to the March 2003 Step I Consent Agreement.
- D. Dr. Worrell states that he is not licensed to practice osteopathic medicine or surgery in any other state or jurisdiction.
- E. Dr. Worrell admits that on March 12, 2003, he entered residential treatment at Parkside Behavioral Health, a Board approved treatment provider in Columbus, Ohio, related to his diagnosis of opiate addiction, and that he was discharged on April 14, 2003, treatment complete.

Dr. Worrell states, and the Board acknowledges receipt of information to support, that since being discharged from Parkside Behavioral Health, he has remained compliant with his recovery plan, including participating in at least three AA meetings and one Caduceus meeting per week, and submitting to random urine screens on a weekly basis. Dr. Worrell states, and the Board acknowledges receipt of information to support, that Dr. Worrell has remained compliant with the terms of the advocacy contract he entered into with the Ohio Physicians Effectiveness Program on May 5, 2003, and the aftercare contract he entered into with Parkside Behavioral Health on April 14, 2003. Further, Dr. Worrell admits that the aforementioned advocacy and aftercare contracts remain in effect.

Dr. Worrell states, and the Board acknowledges, that Edna Jones, M.D., of Parkside Behavioral Health, and David Goldberg, D.O., of Greene Memorial Hospital, a Board approved treatment provider in Xenia, Ohio, have each provided written reports indicating that Dr. Worrell's ability to practice has been assessed and he has been found capable of practicing osteopathic medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring conditions are in place.

Accordingly, Dr. Worrell states and the Board acknowledges receipt of information to support that Dr. Worrell has fulfilled the conditions for reinstatement of his certificate to practice osteopathic medicine and surgery in the State of Ohio, as established in the March 2003 Step I Consent Agreement.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, the certificate of Dr. Worrell to practice osteopathic medicine and surgery in the State of Ohio shall be reinstated, and Dr. Worrell knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

1. Dr. Worrell shall obey all federal, state, and local laws, and all rules governing the practice of osteopathic medicine in Ohio, and all terms of probation that may be imposed by the Court of Common Pleas, Drug Court-Criminal Division, of Hamilton County, Ohio, in criminal case number Case # B-0300518.
2. Dr. Worrell 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 date his quarterly declaration would have been due pursuant to his March 2003 Step I Consent Agreement with the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Worrell shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place on the date his appearance would have been scheduled pursuant to his March 2003 Step Consent Agreement with the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. In the event that Dr. Worrell should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Worrell 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 this 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.
5. In the event Dr. Worrell is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. Dr. Worrell shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, thirty days prior to Dr. Worrell's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Worrell shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
7. Dr. Worrell shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Worrell to administer or personally furnish controlled substances, Dr. Worrell shall keep a log of all controlled substances prescribed, administered or personally furnished. Such log shall be submitted in the format approved by the Board thirty days prior to Dr. Worrell's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Worrell shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board upon request.

Sobriety

8. Dr. Worrell shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Worrell's history of chemical dependency.
9. Dr. Worrell shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Supervising Physician

10. Dr. Worrell shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Worrell shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Within thirty days of the effective date of this Consent Agreement, Dr. Worrell shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Dr. Worrell shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Worrell. Dr. Worrell and the

supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Worrell shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Worrell must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Worrell shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

All screening reports and supervising physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Worrell's quarterly declaration. It is Dr. Worrell's responsibility to ensure that reports are timely submitted.

11. The Board retains the right to require, and Dr. Worrell agrees to submit, blood or urine specimens for analysis at Dr. Worrell's expense upon the Board's request and without prior notice. Dr. Worrell's refusal to submit a blood or urine specimen upon request of the Board shall result in a minimum of one year of actual license suspension.

Monitoring Physician

12. Before engaging in any medical practice, Dr. Worrell shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Worrell and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Worrell and his medical practice, and shall review Dr. Worrell's patient charts. The chart review may be done on a random

basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Worrell and his medical practice, and on the review of Dr. Worrell's patient charts. Dr. Worrell shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Worrell's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Worrell must immediately so notify the Board in writing. In addition, Dr. Worrell shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Worrell shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Rehabilitation Program

13. Within thirty days of the effective date of this Consent Agreement, Dr. Worrell shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Worrell shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Worrell's quarterly declarations.

Aftercare / Physician Health Program

14. Dr. Worrell shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, and with his advocacy contract with the Ohio Physicians Effectiveness Program, or another physician health program approved in advance by the Board, provided that, where terms of the aftercare contract and/or advocacy contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Counseling

15. Dr. Worrell shall undergo and continue counseling, including individual counseling and/or marriage counseling, with Mr. Ron Heinamen of the Professional Pastoral

Counseling Institute at least once every two weeks, or as otherwise ordered by the Board. Dr. Worrell shall comply with his counseling treatment plan and shall ensure that reports are forwarded by his treating counselor to the Board on a quarterly basis, or as otherwise directed by the Board. The reports shall contain information describing Dr. Worrell's current counseling treatment plan and any changes that have been made to the counseling treatment plan since the prior report; Dr. Worrell's compliance with his counseling treatment plan; Dr. Worrell's mental status; and Dr. Worrell's progress in treatment. Dr. Worrell shall ensure that his treating counselor immediately notifies the Board of his failure to comply with his counseling treatment plan. It is Dr. Worrell's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Worrell's quarterly declaration.

In the event that the designated treating counselor becomes unable or unwilling to serve in this capacity, Dr. Worrell must immediately so notify the Board in writing. In addition, Dr. Worrell shall make arrangements acceptable to the Board for another treating counselor within thirty days after the previously designated treating counselor becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Worrell shall ensure that the previously designated treating counselor also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Work Hour Limitation

16. Dr. Worrell shall limit his work hours to no more than forty hours of work per week, in addition to providing on-call coverage no more than one day every fourth consecutive day, until otherwise approved by the Board. Dr. Worrell shall keep a log reflecting the dates, times, and facilities and/or locations at which he works and provides on-call coverage. Dr. Worrell shall submit his work log for receipt in the Board's offices no later than the due date for Dr. Worrell's quarterly declaration.

Any request by Dr. Worrell for modification of the limitation on work hours set forth in this paragraph shall be accompanied by documentation from a physician affiliated with a Board approved treatment provider, or other physician approved by the Board for this purpose, who has evaluated Dr. Worrell, indicating that such physician supports Dr. Worrell's request for modification.

Releases

17. Dr. Worrell shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.

Required Reporting by Licensee

18. Within thirty days of the effective date of this Consent Agreement, Dr. Worrell 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. Worrell 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.
19. Within thirty days of the effective date of this Consent Agreement, Dr. Worrell 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. Worrell 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 for reinstatement of any professional license. Further, Dr. Worrell shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Worrell 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.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Worrell has violated any term, condition or limitation of this Consent Agreement, Dr. Worrell agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

Dr. Worrell shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Worrell shall not request modification to the probationary terms, limitations, and conditions contained herein, with the exception of the limitation included in

paragraph 16 requiring that he limit his work hours, for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Worrell 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.

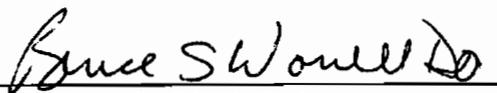
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Worrell hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

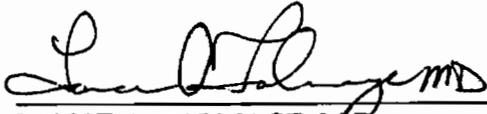
This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Worrell agrees to provide his social security number to the Board and hereby authorizes the 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.



BRUCE S. WORRELL, D.O.



LANCE A. TALMAGE, M.D.
Secretary

9-8-03

DATE

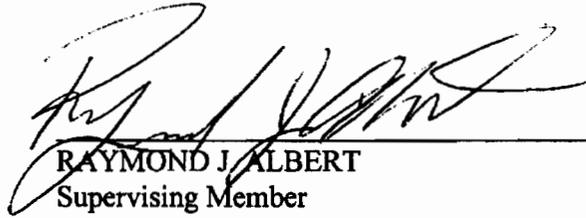
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DATE



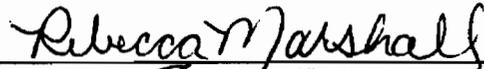
ERIC J. PEINKE, ESQ.
Attorney for Dr. Worrell

 Sep. 8, 2003
DATE



RAYMOND J. ALBERT
Supervising Member

 9/10/03
DATE



REBECCA J. MARSHALL, ESQ.
Enforcement Coordinator

 09/08/03
DATE

**STEP I
CONSENT AGREEMENT
BETWEEN
BRUCE S. WORRELL, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Worrell 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 Section 4731.22(B), 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 violation of Section 4731.22(B)(26), Ohio Revised Code, "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," and/or Section 4731.22(B)(10), Ohio Revised Code, "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Ohio Revised Code Sections 4731.22(B)(26) and (B)(10), to wit: Section 2925.22(A), Ohio Revised Code, Deception to Obtain a Dangerous Drug, as set forth in Paragraphs E and F below. The Board 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, including but not limited to violations based on any methods used by Dr. Worrell to obtain controlled substances for self-use other than those specifically referenced in Paragraph E below, any criminal charges or proceedings other than those specifically referenced in Paragraph F below, and/or related to patient care. Such express reservation includes, but is not limited to, the right to institute formal proceedings based upon any violations related to patient care, regardless of whether the acts underlying such additional violations are related to the violations of Section

4731.22(B)(26) and/or (B)(10), Ohio Revised Code, as set forth in this Consent Agreement.

- C. Dr. Worrell is licensed to practice osteopathic medicine and surgery in the State of Ohio, License # 34-002776.
- D. Dr. Worrell states that he is not licensed to practice osteopathic medicine or surgery in any other state or jurisdiction.
- E. Dr. Worrell admits that on or about February 21, 2003, through his legal counsel, he self-reported his status as a chemically impaired physician to the Board. Dr. Worrell further admits that although he has not yet finalized arrangements for his admission, he currently anticipates entering in-patient treatment for his chemical dependence on or about March 14, 2003, at Parkside Behavioral Health, a Board approved treatment provider in Columbus, Ohio. Dr. Worrell further admits that his drug of choice is Vicodin, and that he obtained such controlled substance for self-use exclusively by deceptively instructing clerical office staff to telephone Vicodin prescriptions to local pharmacies in the name of his wife, sometimes using his own name and DEA number as the prescribing physician and on other occasions using another physician's name and DEA number without that physician's knowledge, in order to falsely create the appearance that the colleague had prescribed the Vicodin to Mrs. Worrell as a patient. Dr. Worrell further admits that such deceptive prescribing occurred during or about July 2001 through December 2002 and involved approximately twenty prescriptions, including refills. Dr. Worrell specifically denies obtaining controlled substances for self-use by any other method and attests that he never directly or indirectly involved patients in any of his efforts to obtain controlled substances for self-use.
- F. Dr. Worrell admits that on or about January 22, 2003, in the Hamilton County Court of Common Pleas, in Hamilton County, Ohio, he was charged by indictment with eight felony counts of Deception to Obtain a Dangerous Drug, in violation of Section 2925.22(A), Ohio Revised Code. Dr. Worrell further admits that on or about March 5, 2003, he requested intervention in lieu of conviction of these charges, that such request remains pending before the court at this time, and that such request constitutes independent proof of impairment pursuant to Rule 4731-16-02(B)(3), Ohio Administrative Code.

AGREED CONDITIONS

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

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Worrell to practice osteopathic medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than 180 days.

Sobriety

2. Dr. Worrell shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Worrell's history of chemical dependency.
3. Dr. Worrell shall abstain completely from the use of alcohol.

Releases; Quarterly Declarations and Appearances

4. Dr. Worrell shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Worrell's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Worrell further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.
5. Dr. Worrell 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.
6. Dr. Worrell 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 every three

months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

Drug & Alcohol Screens; Supervising Physician

7. Dr. Worrell shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Worrell shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Within thirty days of the effective date of this Consent Agreement, Dr. Worrell shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Worrell shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Worrell. Dr. Worrell and the supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Worrell shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Worrell must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Worrell shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

All screening reports and supervising physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Worrell's quarterly declaration. It is Dr. Worrell's responsibility to ensure that reports are timely submitted.

Rehabilitation Program

8. Within thirty days of the effective date of this Consent Agreement, Dr. Worrell shall undertake and maintain participation in an alcohol and drug rehabilitation program,

such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Worrell shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Worrell's quarterly declarations.

CONDITIONS FOR REINSTATEMENT

9. The Board shall not consider reinstatement of Dr. Worrell's certificate to practice osteopathic medicine and surgery until all of the following conditions are met:
 - a. Dr. Worrell shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Worrell shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
 - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Worrell has successfully completed any required inpatient treatment.
 - ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
 - iii. Evidence of continuing full compliance with this Consent Agreement.
 - iv. Two written reports indicating that Dr. Worrell's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or have been approved in advance by the Board, each of whom shall conduct an examination of Dr. Worrell regarding his chemical dependency status. Prior to the examination, Dr. Worrell shall provide the physicians with copies of patient records from any evaluations and/or treatment that he has received, a copy of this Consent Agreement, and any other information that he or the Board deems may be appropriate or helpful to the evaluating physician. The reports from the evaluating physicians shall include the

physician's diagnosis and conclusions; any recommendations for care, counseling, and treatment for the chemical dependence; any conditions, restrictions, or limitations that should be imposed on Dr. Worrell's practice; and the basis for the physician's determinations.

- c. Dr. Worrell shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Worrell are unable to agree on the terms of a written Consent Agreement, then Dr. Worrell further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

Further, upon reinstatement of Dr. Worrell's certificate to practice osteopathic medicine and surgery in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code. Moreover, upon termination of the consent agreement or Board Order, Dr. Worrell shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Worrell has maintained sobriety.

10. In the event that Dr. Worrell has not been engaged in the active practice of osteopathic medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Worrell's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

11. Within thirty days of the effective date of this Consent Agreement, Dr. Worrell 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. Worrell 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. Worrell shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
12. Within thirty days of the effective date of this Consent Agreement, Dr. Worrell 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.

Worrell 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.

The above-described terms, conditions and limitations 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, Dr. Worrell 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. Worrell 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., Ohio Revised Code.

Dr. Worrell 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. Worrell 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.

Bruce S Worrell D
BRUCE S. WORRELL, D.O.

3-7-03
DATE

Eric J. Plinke
ERIC J. PLINKE, ESQ.
Attorney for Dr. Worrell

3-11-03
DATE

Anand G. Garg, M.D., PhD
ANAND G. GARG, M.D.
Secretary

3/13/03
DATE

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member

3/12/03
DATE

Rebecca Marshall
REBECCA J. MARSHALL, ESQ.
Enforcement Coordinator

03/11/2003
DATE

2003 SEP -8 P 1: 03

**STEP II
CONSENT AGREEMENT
BETWEEN
BRUCE S. WORRELL, D.O.,
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Worrell 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 Section 4731.22(B), 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 violation of Section 4731.22(B)(26), Ohio Revised Code, "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," and/or Section 4731.22(B)(10), Ohio Revised Code, "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(10) and (26), Ohio Revised Code, as set forth in Paragraphs E and F of the Step I Consent Agreement Between Bruce S. Worrell, D.O., and the State Medical Board of Ohio that became effective on March 13, 2003, [March 2003 Step I Consent Agreement], a copy of which is attached hereto and fully incorporated herein. The Board 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, including but not limited to violations based on any methods used by Dr. Worrell to obtain controlled substances for self-use other than those specifically referenced in Paragraph E of the March 2003 Step I Consent Agreement, and any criminal charges

or proceedings other than those specifically referenced in Paragraph F of the March 2003 Step I Consent Agreement. Such express reservation includes, but is not limited to, the right to institute formal proceedings based upon any violations related to patient care, regardless of whether the acts underlying such additional violations are related to the violations of Section 4731.22(B)(26) and/or (B)(10), Ohio Revised Code, as set forth in the March 2003 Step I Consent Agreement or herein.

- C. Dr. Worrell is applying for reinstatement of his certificate to practice osteopathic medicine and surgery in the State of Ohio, License # 34-002776, which was suspended pursuant to the March 2003 Step I Consent Agreement.
- D. Dr. Worrell states that he is not licensed to practice osteopathic medicine or surgery in any other state or jurisdiction.
- E. Dr. Worrell admits that on March 12, 2003, he entered residential treatment at Parkside Behavioral Health, a Board approved treatment provider in Columbus, Ohio, related to his diagnosis of opiate addiction, and that he was discharged on April 14, 2003, treatment complete.

Dr. Worrell states, and the Board acknowledges receipt of information to support, that since being discharged from Parkside Behavioral Health, he has remained compliant with his recovery plan, including participating in at least three AA meetings and one Caduceus meeting per week, and submitting to random urine screens on a weekly basis. Dr. Worrell states, and the Board acknowledges receipt of information to support, that Dr. Worrell has remained compliant with the terms of the advocacy contract he entered into with the Ohio Physicians Effectiveness Program on May 5, 2003, and the aftercare contract he entered into with Parkside Behavioral Health on April 14, 2003. Further, Dr. Worrell admits that the aforementioned advocacy and aftercare contracts remain in effect.

Dr. Worrell states, and the Board acknowledges, that Edna Jones, M.D., of Parkside Behavioral Health, and David Goldberg, D.O., of Greene Memorial Hospital, a Board approved treatment provider in Xenia, Ohio, have each provided written reports indicating that Dr. Worrell's ability to practice has been assessed and he has been found capable of practicing osteopathic medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring conditions are in place.

Accordingly, Dr. Worrell states and the Board acknowledges receipt of information to support that Dr. Worrell has fulfilled the conditions for reinstatement of his certificate to practice osteopathic medicine and surgery in the State of Ohio, as established in the March 2003 Step I Consent Agreement.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, the certificate of Dr. Worrell to practice osteopathic medicine and surgery in the State of Ohio shall be reinstated, and Dr. Worrell knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

1. Dr. Worrell shall obey all federal, state, and local laws, and all rules governing the practice of osteopathic medicine in Ohio, and all terms of probation that may be imposed by the Court of Common Pleas, Drug Court-Criminal Division, of Hamilton County, Ohio, in criminal case number Case # B-0300518.
2. Dr. Worrell 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 date his quarterly declaration would have been due pursuant to his March 2003 Step I Consent Agreement with the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Worrell shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place on the date his appearance would have been scheduled pursuant to his March 2003 Step Consent Agreement with the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. In the event that Dr. Worrell should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Worrell 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 this 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.
5. In the event Dr. Worrell is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. Dr. Worrell shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, thirty days prior to Dr. Worrell's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Worrell shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
7. Dr. Worrell shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Worrell to administer or personally furnish controlled substances, Dr. Worrell shall keep a log of all controlled substances prescribed, administered or personally furnished. Such log shall be submitted in the format approved by the Board thirty days prior to Dr. Worrell's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Worrell shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board upon request.

Sobriety

8. Dr. Worrell shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Worrell's history of chemical dependency.
9. Dr. Worrell shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Supervising Physician

10. Dr. Worrell shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Worrell shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Within thirty days of the effective date of this Consent Agreement, Dr. Worrell shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Dr. Worrell shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Worrell. Dr. Worrell and the

supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Worrell shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Worrell must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Worrell shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

All screening reports and supervising physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Worrell's quarterly declaration. It is Dr. Worrell's responsibility to ensure that reports are timely submitted.

11. The Board retains the right to require, and Dr. Worrell agrees to submit, blood or urine specimens for analysis at Dr. Worrell's expense upon the Board's request and without prior notice. Dr. Worrell's refusal to submit a blood or urine specimen upon request of the Board shall result in a minimum of one year of actual license suspension.

Monitoring Physician

12. Before engaging in any medical practice, Dr. Worrell shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Worrell and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Worrell and his medical practice, and shall review Dr. Worrell's patient charts. The chart review may be done on a random

basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Worrell and his medical practice, and on the review of Dr. Worrell's patient charts. Dr. Worrell shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Worrell's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Worrell must immediately so notify the Board in writing. In addition, Dr. Worrell shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Worrell shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Rehabilitation Program

13. Within thirty days of the effective date of this Consent Agreement, Dr. Worrell shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Worrell shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Worrell's quarterly declarations.

Aftercare / Physician Health Program

14. Dr. Worrell shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, and with his advocacy contract with the Ohio Physicians Effectiveness Program, or another physician health program approved in advance by the Board, provided that, where terms of the aftercare contract and/or advocacy contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Counseling

15. Dr. Worrell shall undergo and continue counseling, including individual counseling and/or marriage counseling, with Mr. Ron Heinamen of the Professional Pastoral

Counseling Institute at least once every two weeks, or as otherwise ordered by the Board. Dr. Worrell shall comply with his counseling treatment plan and shall ensure that reports are forwarded by his treating counselor to the Board on a quarterly basis, or as otherwise directed by the Board. The reports shall contain information describing Dr. Worrell's current counseling treatment plan and any changes that have been made to the counseling treatment plan since the prior report; Dr. Worrell's compliance with his counseling treatment plan; Dr. Worrell's mental status; and Dr. Worrell's progress in treatment. Dr. Worrell shall ensure that his treating counselor immediately notifies the Board of his failure to comply with his counseling treatment plan. It is Dr. Worrell's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Worrell's quarterly declaration.

In the event that the designated treating counselor becomes unable or unwilling to serve in this capacity, Dr. Worrell must immediately so notify the Board in writing. In addition, Dr. Worrell shall make arrangements acceptable to the Board for another treating counselor within thirty days after the previously designated treating counselor becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Worrell shall ensure that the previously designated treating counselor also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Work Hour Limitation

16. Dr. Worrell shall limit his work hours to no more than forty hours of work per week, in addition to providing on-call coverage no more than one day every fourth consecutive day, until otherwise approved by the Board. Dr. Worrell shall keep a log reflecting the dates, times, and facilities and/or locations at which he works and provides on-call coverage. Dr. Worrell shall submit his work log for receipt in the Board's offices no later than the due date for Dr. Worrell's quarterly declaration.

Any request by Dr. Worrell for modification of the limitation on work hours set forth in this paragraph shall be accompanied by documentation from a physician affiliated with a Board approved treatment provider, or other physician approved by the Board for this purpose, who has evaluated Dr. Worrell, indicating that such physician supports Dr. Worrell's request for modification.

Releases

17. Dr. Worrell shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.

Required Reporting by Licensee

18. Within thirty days of the effective date of this Consent Agreement, Dr. Worrell 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. Worrell 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.
19. Within thirty days of the effective date of this Consent Agreement, Dr. Worrell 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. Worrell 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 for reinstatement of any professional license. Further, Dr. Worrell shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Worrell 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.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Worrell has violated any term, condition or limitation of this Consent Agreement, Dr. Worrell agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

Dr. Worrell shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Worrell shall not request modification to the probationary terms, limitations, and conditions contained herein, with the exception of the limitation included in

paragraph 16 requiring that he limit his work hours, for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Worrell 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.

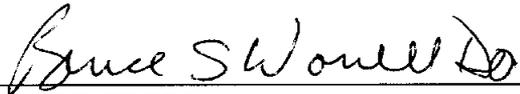
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Worrell 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. Worrell 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.



BRUCE S. WORRELL, D.O.



LANCE A. TALMAGE, M.D.
Secretary

9-8-03

DATE

9-10-03

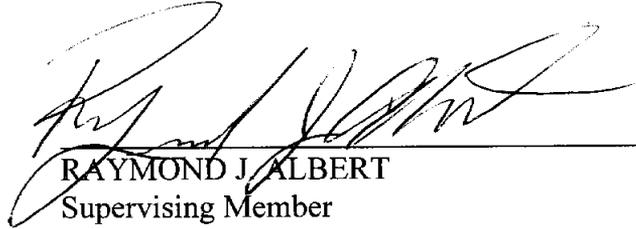
DATE



ERIC J. PLINKE, ESQ.
Attorney for Dr. Worrell

Sept. 8, 2003

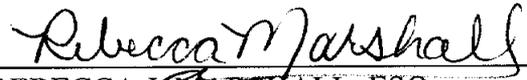
DATE



RAYMOND J. ALBERT
Supervising Member

9/10/03

DATE



REBECCA J. MARSHALL, ESQ.
Enforcement Coordinator

09/08/03

DATE

**STEP I
CONSENT AGREEMENT
BETWEEN
BRUCE S. WORRELL, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Worrell 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 Section 4731.22(B), 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 violation of Section 4731.22(B)(26), Ohio Revised Code, "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," and/or Section 4731.22(B)(10), Ohio Revised Code, "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Ohio Revised Code Sections 4731.22(B)(26) and (B)(10), to wit: Section 2925.22(A), Ohio Revised Code, Deception to Obtain a Dangerous Drug, as set forth in Paragraphs E and F below. The Board 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, including but not limited to violations based on any methods used by Dr. Worrell to obtain controlled substances for self-use other than those specifically referenced in Paragraph E below, any criminal charges or proceedings other than those specifically referenced in Paragraph F below, and/or related to patient care. Such express reservation includes, but is not limited to, the right to institute formal proceedings based upon any violations related to patient care, regardless of whether the acts underlying such additional violations are related to the violations of Section

4731.22(B)(26) and/or (B)(10), Ohio Revised Code, as set forth in this Consent Agreement.

- C. Dr. Worrell is licensed to practice osteopathic medicine and surgery in the State of Ohio, License # 34-002776.
- D. Dr. Worrell states that he is not licensed to practice osteopathic medicine or surgery in any other state or jurisdiction.
- E. Dr. Worrell admits that on or about February 21, 2003, through his legal counsel, he self-reported his status as a chemically impaired physician to the Board. Dr. Worrell further admits that although he has not yet finalized arrangements for his admission, he currently anticipates entering in-patient treatment for his chemical dependence on or about March 14, 2003, at Parkside Behavioral Health, a Board approved treatment provider in Columbus, Ohio. Dr. Worrell further admits that his drug of choice is Vicodin, and that he obtained such controlled substance for self-use exclusively by deceptively instructing clerical office staff to telephone Vicodin prescriptions to local pharmacies in the name of his wife, sometimes using his own name and DEA number as the prescribing physician and on other occasions using another physician's name and DEA number without that physician's knowledge, in order to falsely create the appearance that the colleague had prescribed the Vicodin to Mrs. Worrell as a patient. Dr. Worrell further admits that such deceptive prescribing occurred during or about July 2001 through December 2002 and involved approximately twenty prescriptions, including refills. Dr. Worrell specifically denies obtaining controlled substances for self-use by any other method and attests that he never directly or indirectly involved patients in any of his efforts to obtain controlled substances for self-use.
- F. Dr. Worrell admits that on or about January 22, 2003, in the Hamilton County Court of Common Pleas, in Hamilton County, Ohio, he was charged by indictment with eight felony counts of Deception to Obtain a Dangerous Drug, in violation of Section 2925.22(A), Ohio Revised Code. Dr. Worrell further admits that on or about March 5, 2003, he requested intervention in lieu of conviction of these charges, that such request remains pending before the court at this time, and that such request constitutes independent proof of impairment pursuant to Rule 4731-16-02(B)(3), Ohio Administrative Code.

AGREED CONDITIONS

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

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Worrell to practice osteopathic medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than 180 days.

Sobriety

2. Dr. Worrell shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Worrell's history of chemical dependency.
3. Dr. Worrell shall abstain completely from the use of alcohol.

Releases; Quarterly Declarations and Appearances

4. Dr. Worrell shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Worrell's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Worrell further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.
5. Dr. Worrell 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.
6. Dr. Worrell 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 every three

months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

Drug & Alcohol Screens; Supervising Physician

7. Dr. Worrell shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Worrell shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Within thirty days of the effective date of this Consent Agreement, Dr. Worrell shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Worrell shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Worrell. Dr. Worrell and the supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Worrell shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Worrell must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Worrell shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

All screening reports and supervising physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Worrell's quarterly declaration. It is Dr. Worrell's responsibility to ensure that reports are timely submitted.

Rehabilitation Program

8. Within thirty days of the effective date of this Consent Agreement, Dr. Worrell shall undertake and maintain participation in an alcohol and drug rehabilitation program,

such as A.A., N.A., C.A., or Caduceus, no less than three times per week.
Substitution of any other specific program must receive prior Board approval.

Dr. Worrell shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Worrell's quarterly declarations.

CONDITIONS FOR REINSTATEMENT

9. The Board shall not consider reinstatement of Dr. Worrell's certificate to practice osteopathic medicine and surgery until all of the following conditions are met:
 - a. Dr. Worrell shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Worrell shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
 - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Worrell has successfully completed any required inpatient treatment.
 - ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
 - iii. Evidence of continuing full compliance with this Consent Agreement.
 - iv. Two written reports indicating that Dr. Worrell's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or have been approved in advance by the Board, each of whom shall conduct an examination of Dr. Worrell regarding his chemical dependency status. Prior to the examination, Dr. Worrell shall provide the physicians with copies of patient records from any evaluations and/or treatment that he has received, a copy of this Consent Agreement, and any other information that he or the Board deems may be appropriate or helpful to the evaluating physician. The reports from the evaluating physicians shall include the

physician's diagnosis and conclusions; any recommendations for care, counseling, and treatment for the chemical dependence; any conditions, restrictions, or limitations that should be imposed on Dr. Worrell's practice; and the basis for the physician's determinations.

- c. Dr. Worrell shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Worrell are unable to agree on the terms of a written Consent Agreement, then Dr. Worrell further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

Further, upon reinstatement of Dr. Worrell's certificate to practice osteopathic medicine and surgery in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code. Moreover, upon termination of the consent agreement or Board Order, Dr. Worrell shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Worrell has maintained sobriety.

10. In the event that Dr. Worrell has not been engaged in the active practice of osteopathic medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Worrell's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

11. Within thirty days of the effective date of this Consent Agreement, Dr. Worrell 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. Worrell 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. Worrell shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
12. Within thirty days of the effective date of this Consent Agreement, Dr. Worrell 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.

Worrell 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.

The above-described terms, conditions and limitations 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, Dr. Worrell 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. Worrell 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., Ohio Revised Code.

Dr. Worrell 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. Worrell 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.

Bruce S Worrell
BRUCE S. WORRELL, D.O.

3-7-03
DATE

Eric J. Plinke
ERIC J. PLINKE, ESQ.
Attorney for Dr. Worrell

3-11-03
DATE

Anand G. Garg, M.D. /TAD
ANAND G. GARG, M.D.
Secretary

3/13/03
DATE

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member

3/12/03
DATE

Rebecca J. Marshall
REBECCA J. MARSHALL, ESQ.
Enforcement Coordinator

03/11/2003
DATE