

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
:
BARBARA JEAN WILLOWS, D.O. :

ENTRY OF ORDER

On May 1, 2006, Barbara Jean Willows, D.O., executed a Surrender of her Certificate to practice medicine and surgery in the State of Ohio with consent to revocation, which document is attached hereto and fully incorporated herein.

Wherefore, upon ratification by the Board of the surrender, it is hereby ORDERED that Certificate No. 34-002857 authorizing Barbara Jean Willows, D.O., to practice osteopathic medicine be permanently REVOKED, effective May 10, 2006.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 10th day of May 2006, and the original thereof shall be kept with said Journal.



Lance A. Talmage, M.D.
Secretary

(SEAL)

May 10, 2006
Date

**STATE OF OHIO
THE STATE MEDICAL BOARD
SURRENDER OF CERTIFICATE
TO PRACTICE OSTEOPATHIC MEDICINE AND SURGERY**

**STATE MEDICAL BOARD
OF OHIO
2008 MAY -4 P 4: 12**

I, Barbara Jean Willows, D.O., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, Barbara Jean Willows, D.O., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice osteopathic medicine and surgery, No. 34-002857, to the State Medical Board of Ohio [Board], thereby relinquishing all rights to practice osteopathic medicine and surgery in Ohio.

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

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice osteopathic medicine and surgery No. 34-002857 or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, on or after the date of signing this Surrender of Certificate to Practice Osteopathic Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice osteopathic medicine and surgery, No. 34-002857, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice osteopathic medicine and surgery.

I, Barbara Jean Willows, D.O., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. I, Barbara Jean Willows, D.O.,

acknowledge that my social security number will be used if this information is so reported and agree to provide my social security number to the Board for such purposes.

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Sections 4731.22(B)(15) and 4731.22(B)(26), Ohio Revised Code, based upon the following facts:

I admit that on or about October 12, 2005, I entered into an Amended Step I Consent Agreement [October 2005 Amended Step I Consent Agreement] with the Board, which remains in full force and effect. The terms, conditions, and limitations of the October 2005 Amended Step I Consent Agreement include the requirement that I abstain completely from the use of alcohol. Despite this requirement, in or about February 2006, I consumed fermented apple cider that I knew or should have known contained alcohol. On or about February 10, 2006, I provided a urine sample that tested positive for ethyl glucuronide [EtG], a metabolite unique to the consumption of alcohol, at the rate of 6,100 ng/ml.

STATE MEDICAL BOARD
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I, Barbara Jean Willows, D.O., further stipulate and agree that I am taking the action described herein in lieu of continued monitoring under the terms, limitations, and conditions of the aforementioned October 2005 Amended Step I Consent Agreement, and further admit that I am currently not in compliance with the terms, conditions, and limitations of said agreement by virtue of the facts set forth above. The parties agree that the October 2005 Amended Step I Consent Agreement is hereby terminated upon the effective date of the instant Surrender of Certificate.

EFFECTIVE DATE

It is expressly understood that this Surrender of Certificate 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.

Signed this 1st day of May, 2006.

Barbara Jean Willows D.O.
BARBARA JEAN WILLOWS, D.O.

WITNESS

WITNESS

Sworn to and subscribed before me this 1st day of May, 2006.



MATTHEW J. SMITH, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

My commission expires
4/30/2011

Matthew J. Smith
NOTARY PUBLIC

(This form must be either witnessed OR notarized)

Lance A. Talmage, M.D.
LANCE A. TALMAGE, M.D.
SECRETARY

Raymond J. Albert
RAYMOND J. ALBERT
SUPERVISING MEMBER

5-10-06
DATE

5/10/06
DATE

STATE MEDICAL BOARD
OF OHIO
2006 MAY -4 P 4: 12

**AMENDED STEP I
CONSENT AGREEMENT
BETWEEN
BARBARA JEAN WILLOWS, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO**

OHIO STATE MEDICAL BOARD

OCT 04 2005

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

Dr. Willows enters into this Consent Agreement being fully informed of her 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;" Section 4731.22(B)(5), making "a false, fraudulent, deceptive, or misleading statement;" Section 4731.22(B)(2), Ohio Revised Code, "[f]ailure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;" Section 4731.22(B)(6), Ohio Revised Code, "[a] departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;" and/or Section 4731.22(B)(20), Ohio Revised Code, "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board."
- B. On June 8, 2005, the Board and Dr. Willows entered into a Step I Consent Agreement [June 2005 Step I Consent Agreement] a copy of which is attached hereto and incorporated herein. The Board and Dr. Willows enter into this Amended Step I Consent Agreement in lieu of formal proceedings based upon the violations of Ohio Revised

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BARBARA JEAN WILLOWS, D.O.
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Code Sections 4731.22(B)(26) and (B)(5) as previously set forth in paragraphs E and F of the June 2005 Step I Consent Agreement and restated in paragraph E below, as well as the additional violations of Ohio Revised Code Sections 4731.22(B)(2), (B)(6) and (B)(20), to wit: Ohio Administrative Code Rules 4731-11-04, 4731-11-08, and 4731-21-02, as set forth in paragraph 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.

- C. Dr. Willows' license to practice osteopathic medicine and surgery in the State of Ohio, License # 34-002857, is currently suspended for an indefinite period of time, but not less than 90 days from the effective date of the June 2005 Step I Consent Agreement.
- D. Dr. Willows states that she is also licensed to practice osteopathic medicine and surgery in the State of Texas.
- E. Dr. Willows states that after being arrested and charged with OMVI on or about August 2, 2002, in Franklin County, Ohio, at which time her blood alcohol concentration tested (by breath) at 0.239, she was admitted to Talbot Hall in Columbus, Ohio, on or about August 5, 2002, for outpatient treatment of chemical dependence, and that she was discharged on or about September 16, 2002. Dr. Willows further states that subsequently she attended A.A. meetings for approximately one year. Dr. Willows admits that approximately one year ago, she relapsed by drinking alcohol and that she has since continued to use alcohol, primarily on the weekends. Dr. Willows states that she has not used alcohol prior to or during work hours, although she acknowledges that the Board has received information that alcohol has been smelled on her breath at the office during her work hours.

Dr. Willows admits that on or about September 4, 2002, in the Franklin County Municipal Court in Columbus, Ohio, she pled no contest to and was found guilty of one count of OMVI in violation of Section 4511.19(A)(6), Ohio Revised Code.

Dr. Willows admits that on September 10, 2003, in completing her application card for renewal of her certificate to practice osteopathic medicine or surgery in Ohio, she answered "No" to Question 1 that inquired as to whether at any time since signing her last application for renewal of her certificate she had been found guilty of, or pled guilty or no contest to, or received treatment or intervention in lieu of conviction of, a misdemeanor or felony. Dr. Willows further admits that she signed such application card certifying that the information provided on the application for renewal was true and correct in every respect, when in fact she knew that her answer to Question 1 was false, as she had been convicted of OMVI, a misdemeanor, as set forth above.

Dr. Willows admits that she entered treatment for alcohol dependence at The Woods at Parkside, a Board-approved treatment provider in Columbus, Ohio, on June 13, 2005,

AMENDED STEP I CONSENT AGREEMENT**BARBARA JEAN WILLOWS, D.O.****PAGE 3**

and further states that she successfully completed inpatient treatment on July 11, 2005. Dr. Willows states that she is currently in compliance with her aftercare agreement.

- F. Dr. Willows further admits that, in addition to her alcohol impairment and renewal fraud as set forth in Paragraph E above and in the June 2005 Step I Consent Agreement, she also dispensed and/or prescribed controlled substance anorectic medications to patients in violation of the Board's weight loss prescribing rules as provided in Ohio Administrative Code Rule 4731-11-04; dispensed and/or prescribed controlled substances to patients in violation of the Board's intractable pain rules as provided in Ohio Administrative Code Rule 4731-21-02; and prescribed controlled substances to her husband under conditions not considered an emergency in violation of the Board's rules regarding utilizing controlled substances for self and family members as provided in Ohio Administrative Code Rule 4731-11-08.

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. Willows knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

1. The June 2005 Step I Consent Agreement that **SUSPENDED** Dr. Willows' certificate to practice osteopathic medicine and surgery for an indefinite time, but not less than 90 days, is hereby **TERMINATED** upon the effective date of the instant Amended Step I Consent Agreement. Further, the certificate of Dr. Willows to practice osteopathic medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than one year from the effective date of the June 2005 Step I Consent Agreement .

Sobriety

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

Releases; Quarterly Declarations and Appearances

4. Dr. Willows 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. Willows' chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether

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BARBARA JEAN WILLOWS, D.O.
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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. Willows further agrees to provide the Board written consent permitting any treatment provider from whom she obtains treatment to notify the Board in the event she 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. Willows 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. Willows 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. Willows shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Willows 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.

Dr. Willows shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Dr. Willows and the Board agree that the person or entity previously approved by the Board to serve as Dr. Willows' supervising physician pursuant to the June 2005 Step I Consent Agreement is hereby approved to continue as Dr. Willows' designated supervising physician under this Consent Agreement, unless within thirty days of the effective date of this Consent Agreement, Dr. Willows submits to the Board for its prior approval the name and curriculum vitae of an alternative supervising physician to whom Dr. Willows shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give

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BARBARA JEAN WILLOWS, D.O.
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preference to a physician who practices in the same locale as Dr. Willows. Dr. Willows 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.

The Board expressly reserves the right to disapprove any person or entity proposed to serve as Dr. Willows' designated supervising physician, or to withdraw approval of any person or entity previously approved to serve as Dr. Willows' designated supervising physician, in the event that the Secretary and Supervising Member of the Board determine that any such supervising physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Dr. Willows 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. Willows must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Willows 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. Willows' quarterly declaration. It is Dr. Willows' responsibility to ensure that reports are timely submitted.

8. The Board retains the right to require, and Dr. Willows agrees to submit, blood or urine specimens for analysis at Dr. Willows' expense upon the Board's request and without prior notice.

Rehabilitation Program

9. Dr. Willows shall 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. Willows shall submit acceptable documentary evidence of continuing compliance

AMENDED STEP I CONSENT AGREEMENT
BARBARA JEAN WILLOWS, D.O.
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with this program which must be received in the Board's offices no later than the due date for Dr. Willows' quarterly declarations.

CONDITIONS FOR REINSTATEMENT

10. The Board shall not consider reinstatement of Dr. Willows' certificate to practice osteopathic medicine and surgery until all of the following conditions are met:
- a. Dr. Willows shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. At the time she submits her application for reinstatement or restoration, Dr. Willows shall provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Willows submits the documentation of successful completion of the course dealing with the prescribing of controlled substances, she shall also submit to the Board a written report describing the course, setting forth what she learned from the course, and identifying with specificity how she will apply what she has learned to her practice of osteopathic medicine in the future.

- c. Dr. Willows shall demonstrate to the satisfaction of the Board that she can resume practice in compliance with acceptable and prevailing standards of care under the provisions of her 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. Willows 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.

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- iv. Two written reports indicating that Dr. Willows' ability to practice has been assessed and that she 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 otherwise have been approved in advance by the Board to provide an assessment of Dr. Willows. Prior to the assessments, Dr. Willows shall provide the evaluators with copies of patient records from any evaluations and/or treatment that she has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Willows, and any conditions, restrictions, or limitations that should be imposed on Dr. Willows' practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement.

- c. Dr. Willows shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Willows are unable to agree on the terms of a written Consent Agreement, then Dr. Willows 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. Willows' 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. Willows 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. Willows has maintained sobriety.

11. In the event that Dr. Willows 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. Willows' fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

12. Within thirty days of the effective date of this Consent Agreement, Dr. Willows shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to

AMENDED STEP I CONSENT AGREEMENT
BARBARA JEAN WILLOWS, D.O.
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the proper licensing authority of any state or jurisdiction in which she currently holds any professional license. Dr. Willows further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which she applies for any professional license or reinstatement of any professional license. Further, Dr. Willows shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

13. Within thirty days of the effective date of this Consent Agreement, Dr. Willows shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Willows shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments.
14. Dr. Willows shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Willows chemical dependency treatment or monitoring.

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. Willows 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. Willows acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

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

Dr. Willows 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. Further, this information may be reported to appropriate organizations, data

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BARBARA JEAN WILLOWS, D.O.
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banks and governmental bodies. Dr. Willows acknowledges that her social security number will be used if this information is so reported and agrees to provide her social security number to the Board for such purposes.

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.

Barbara Jean Willows D.O.
BARBARA JEAN WILLOWS, D.O.

Lance A. Talmage MD
LANCE A. TALMAGE, M.D.
Secretary

10/5/05
DATE

10-12-05
DATE

Michael Close
MICHAEL CLOSE, ESQ.
Attorney for Dr. Willows

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member

10/5/05
DATE

10/12/05
DATE

David P. Katko
DAVID P. KATKO
Enforcement Attorney

10/06/05.
DATE

**STEP I
CONSENT AGREEMENT
BETWEEN
BARBARA JEAN WILLOWS, D.O.,
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Willows enters into this Consent Agreement being fully informed of her 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), “[i]mpairment 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,” or Section 4731.22(B)(5), making “a false, fraudulent, deceptive, or misleading statement.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(26) and (B)(5), Ohio Revised Code, as set forth in Paragraphs E and F below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. Dr. Willows is licensed to practice osteopathic medicine and surgery in the State of Ohio, License # 34- 002857.
- D. Dr. Willows states that she is also licensed to practice osteopathic medicine and surgery in the State of Texas.
- E. Dr. Willows states that after being arrested and charged with OMVI on or about August 2, 2002, in Franklin County, Ohio, at which time her blood alcohol

concentration tested (by breath) at .239, she was admitted to Talbot Hall in Columbus, Ohio, on or about August 5, 2002, for outpatient treatment of chemical dependence, and that she was discharged on or about September 16, 2002. Dr. Willows further states that subsequently she attended A.A. meetings for approximately one year. Dr. Willows admits that approximately one year ago, she relapsed by drinking alcohol and that she has since continued to use alcohol, primarily on the weekends. Dr. Willows states that she has not used alcohol prior to or during work hours, although she acknowledges that the Board has received information that alcohol has been smelled on her breath at the office during her work hours.

Dr. Willows admits that on or about September 4, 2002, in the Franklin County Municipal Court in Columbus, Ohio, she pled no contest to and was found guilty of one count of OMVI in violation of Section 4511.19(A)(6), Ohio Revised Code.

- F. Dr. Willows admits that on September 10, 2003, in completing her application card for renewal of her certificate to practice osteopathic medicine or surgery in Ohio, she answered "No" to Question 1 that inquired as to whether at any time since signing her last application for renewal of her certificate she had been found guilty of, or pled guilty or no contest to, or received treatment or intervention in lieu of conviction of, a misdemeanor or felony. Dr. Willows further admits that she signed such application card certifying that the information provided on the application for renewal was true and correct in every respect, when in fact she knew that her answer to Question 1 was false, as she had been convicted of OMVI, a misdemeanor, as set forth above.

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. Willows knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Willows to practice osteopathic medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than 90 days.

Sobriety

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

3. Dr. Willows shall abstain completely from the use of alcohol.

Releases; Quarterly Declarations and Appearances

4. Dr. Willows 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. Willows'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. Willows further agrees to provide the Board written consent permitting any treatment provider from whom she obtains treatment to notify the Board in the event she 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. Willows 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. Willows 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. Willows shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Willows 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.

Dr. Willows shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Within thirty days of the effective date of this Consent Agreement, Dr. Willows shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Willows 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. Willows. Dr. Willows 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. Willows 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. Willows must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Willows 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. Willows's quarterly declaration. It is Dr. Willows's responsibility to ensure that reports are timely submitted.

8. The Board retains the right to require, and Dr. Willows agrees to submit, blood or urine specimens for analysis at Dr. Willows' expense upon the Board's request and without prior notice.

Rehabilitation Program

9. Within thirty days of the effective date of this Consent Agreement, Dr. Willows 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. Willows 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. Willows's quarterly declarations.

CONDITIONS FOR REINSTATEMENT

10. The Board shall not consider reinstatement of Dr. Willows's certificate to practice osteopathic medicine and surgery until all of the following conditions are met:
 - a. Dr. Willows shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Willows shall demonstrate to the satisfaction of the Board that she can resume practice in compliance with acceptable and prevailing standards of care under the provisions of her 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. Willows 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. Willows's ability to practice has been assessed and that she 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 otherwise have been approved in advance by the Board to provide an assessment of Dr. Willows. Prior to the assessments, Dr. Willows shall provide the evaluators with copies of patient records from any evaluations and/or treatment that she has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Willows, and any conditions, restrictions, or limitations that should be imposed on Dr. Willows's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement.

- c. Dr. Willows shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Willows are unable to agree on the terms of a written Consent Agreement, then Dr. Willows 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. Willows'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. Willows 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. Willows has maintained sobriety.

11. In the event that Dr. Willows 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. Willows's fitness to resume practice.

REQUIRED REPORTING/PROVISION OF CONSENT AGREEMENT BY LICENSEE

12. Within thirty days of the effective date of this Consent Agreement, Dr. Willows shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license. Dr. Willows further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which she applies for any professional license or reinstatement of any professional license. Further, Dr. Willows shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
13. Within thirty days of the effective date of this Consent Agreement, Dr. Willows shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief

of Staff at each hospital where she has privileges or appointments. Further, Dr. Willows shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments.

14. Dr. Willows shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Willows' chemical dependency treatment or monitoring.

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. Willows 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. Willows acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

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

Dr. Willows 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. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Willows acknowledges that her social security number will be used if this information is so reported and agrees to provide her social security number to the Board for such purposes.

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.

Barbara Jean Willows DO
BARBARA JEAN WILLOWS, D.O.

6/3/05
DATE

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

6-8-05
DATE

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member

6/8/05
DATE

Lori S. Gilbert
LORI S. GILBERT
Chief Enforcement Attorney

6/7/05
DATE