

**CONSENT AGREEMENT
BETWEEN
BRADFORD J. MURPHY, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

BRADFORD J. MURPHY, D.O., voluntarily enters into this Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this CONSENT AGREEMENT.

BASIS FOR ACTION

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B), 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 any of the enumerated violations.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of further formal proceedings based upon the violations of Section 4731.22, Ohio Revised Code, set forth in the Notice of Opportunity for Hearing issued by the BOARD on February 11, 1998, attached hereto as Exhibit A and incorporated herein by this reference. The BOARD expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4731 of the Ohio Revised Code whether occurring before or after the effective date of this AGREEMENT.
- C. BRADFORD J. MURPHY, D.O., is licensed to practice osteopathic medicine and surgery in the State of Ohio.
- D. BRADFORD J. MURPHY, D.O., ADMITS the factual and legal allegations set forth in the Notice of Opportunity for Hearing issued by the BOARD on February 11, 1998, attached hereto as Exhibit A and incorporated herein by reference.

AGREED CONDITIONS

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

SUSPENSION OF CERTIFICATE

1. The certificate of BRADFORD J. MURPHY, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than ninety (90) days. Such suspension shall become effective immediately upon the effective date of this CONSENT AGREEMENT. In accordance with such suspension, DOCTOR MURPHY shall promptly surrender his current wallet registration card and wall certificate to the BOARD or its designee. Any period of suspension in effect prior to receipt by the BOARD or its designee of the current wallet registration card and wall certificate shall not apply toward the minimum period of suspension specified by this CONSENT AGREEMENT. Upon completion of the suspension period and reinstatement of DOCTOR MURPHY'S license, the wall certificate and a current wallet registration card will be promptly returned to DOCTOR MURPHY.

INTERIM MONITORING

2. During the period that DOCTOR MURPHY'S certificate to practice osteopathic medicine and surgery in Ohio is suspended, DOCTOR MURPHY shall comply with the following terms, conditions and limitations:
 - A. DOCTOR MURPHY shall submit quarterly declarations under penalty of BOARD disciplinary action 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 16th 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.
 - B. DOCTOR MURPHY shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed 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. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR MURPHY written notification of scheduled appearances, it is DOCTOR MURPHY's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR MURPHY shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance.

- C. DOCTOR MURPHY 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 DOCTOR MURPHY's history of chemical dependency.
- D. DOCTOR MURPHY shall abstain completely from the use of alcohol.
- E. DOCTOR MURPHY shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR MURPHY 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.
 - i. Within thirty (30) days of the effective date of this Agreement, DOCTOR MURPHY shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR MURPHY shall submit the required urine specimens. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results.
 - ii. DOCTOR MURPHY shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, 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 responsibilities.

- iii. In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR MURPHY must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR MURPHY shall further ensure that the previously designated supervising physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore.
 - iv. 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 DOCTOR MURPHY's quarterly declaration. It is DOCTOR MURPHY's responsibility to ensure that reports are timely submitted.
- F. The BOARD retains the right to require, and DOCTOR MURPHY agrees to submit, blood or urine specimens for analysis upon request and without prior notice. DOCTOR MURPHY'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.
- G. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR MURPHY shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, or any other program approved in advance by the BOARD specifically for DOCTOR MURPHY, no less than three (3) times per week. Substitution of any specific program must receive prior BOARD approval.

With each quarterly declaration, DOCTOR MURPHY shall submit acceptable documentary evidence of continuing compliance with this program.

- H. Within thirty (30) days of the effective date of this AGREEMENT, DOCTOR MURPHY shall submit to the BOARD for its prior approval the name and qualifications of a psychiatrist of his choice. Upon approval by the BOARD, DOCTOR MURPHY shall undergo and continue psychiatric treatment on a monthly basis, or as otherwise directed by the BOARD. DOCTOR MURPHY shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the BOARD on a quarterly basis, or as otherwise directed by the BOARD. It is DOCTOR MURPHY's responsibility to ensure that the quarterly reports are received in the BOARD's offices no later than the due date for DOCTOR MURPHY's quarterly declaration.

- I. DOCTOR MURPHY shall maintain continued compliance with the terms of the advocacy contract entered into with the Ohio Physicians Effectiveness Program and with any aftercare contract entered into with his treatment provider, provided, that where terms of the advocacy contract or aftercare contract conflict with terms of this CONSENT AGREEMENT, the terms of this CONSENT AGREEMENT shall control.
- J. DOCTOR MURPHY 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.

CONDITIONS FOR REINSTATEMENT

3. The BOARD shall not consider reinstatement of DOCTOR MURPHY's certificate to practice osteopathic medicine and surgery in Ohio unless and until all of the following conditions are met:
 - A. DOCTOR MURPHY shall submit an application for reinstatement, accompanied by appropriate fees. Such application shall not be submitted for a minimum period of sixty (60) days from the effective date of this AGREEMENT.
 - B. DOCTOR MURPHY 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 provider approved under Section 4731.25 of the Revised Code that DOCTOR MURPHY has successfully completed any required inpatient treatment;
 - ii. Evidence of continuing full compliance with an aftercare contract or consent agreement;
 - iii. Two written reports indicating that DOCTOR MURPHY's present ability to practice (that is, as of the time that the application for reinstatement is deemed complete) 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 individuals or providers approved by the BOARD

for making such assessments and shall describe the basis for this determination.

- C. With his application for reinstatement, DOCTOR MURPHY shall submit for the BOARD's prior approval the name of a monitoring physician, who shall review DOCTOR MURPHY's patient charts and shall submit a written report of such review to the BOARD on a quarterly basis. Such chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the BOARD. It shall be DOCTOR MURPHY's responsibility to ensure that the monitoring physician's quarterly reports are submitted to the BOARD on a timely basis.

Further, the monitoring physician shall otherwise monitor DOCTOR MURPHY and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR MURPHY shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR MURPHY must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR MURPHY shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefor.

All monitoring physician reports required under this paragraph must be received in the BOARD's offices not later than the due date for DOCTOR MURPHY's quarterly declaration. It is DOCTOR MURPHY's responsibility to ensure that reports are timely submitted.

- D. In the event that DOCTOR MURPHY has not been engaged in the active practice of osteopathic medicine 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 DOCTOR MURPHY's fitness to resume practice.

PROBATIONARY CONDITIONS

4. Upon reinstatement, DOCTOR MURPHY's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for an indefinite period of time, but not less than five (5) years:

- A. DOCTOR MURPHY shall continue to be subject to the terms, conditions and limitations specified in sub-paragraphs A through J of paragraph 2 of this CONSENT AGREEMENT, as well as the terms, conditions and limitations specified in sub-paragraph C of paragraph 3 of this CONSENT AGREEMENT.
- B. DOCTOR MURPHY shall keep a log of all controlled substances prescribed. Such logs shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR MURPHY's personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD.
- C. DOCTOR MURPHY shall not, without prior BOARD approval, dispense or administer 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 DOCTOR MURPHY to dispense or administer controlled substances, DOCTOR MURPHY shall keep a log of all controlled substances prescribed, dispensed or administered. Such logs shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR MURPHY's personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD.

TOLLING PROVISIONS

- 5. In the event that DOCTOR MURPHY should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR MURPHY 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 the SUSPENSION or PROBATIONARY periods under this CONSENT AGREEMENT, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that the required monitoring and reporting is otherwise being performed.
- 6. In the event DOCTOR MURPHY is found by the Secretary of the BOARD to have failed to comply with any provision of this agreement, and is so notified of that deficiency in writing, such periods of noncompliance will not apply to the reduction of the periods of SUSPENSION or PROBATION under this CONSENT AGREEMENT.

REQUIRED REPORTING BY LICENSEE

- 7. Within thirty (30) days of the effective date of this AGREEMENT, DOCTOR MURPHY shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide physician services or is receiving training; and the

Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR MURPHY shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

8. Within thirty (30) days of the effective date of this AGREEMENT, DOCTOR MURPHY 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 a license to practice. DOCTOR MURPHY 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 licensure or reinstatement of licensure. Further, DOCTOR MURPHY shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

FAILURE TO COMPLY

9. During the periods of SUSPENSION and PROBATION, any violation of the terms, conditions and limitations specified in sub-paragraph C or D of paragraph 2 of this AGREEMENT shall constitute grounds to revoke or permanently revoke DOCTOR MURPHY's certificate. DOCTOR MURPHY agrees that the minimum discipline for such a violation shall include actual license suspension. This paragraph does not limit the Board's authority to suspend, revoke or permanently revoke DOCTOR MURPHY's certificate based on other violations of this CONSENT AGREEMENT.
10. DOCTOR MURPHY agrees that if any declaration or report required by this AGREEMENT is not received in the BOARD's offices on or before its due date, DOCTOR MURPHY shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.43 of the Revised Code.
11. During the periods of SUSPENSION and PROBATION, DOCTOR MURPHY agrees that if, without prior permission from the BOARD, he fails to submit to random screenings for drugs and alcohol at least as frequently as required in sub-paragraph E of paragraph 2 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the violation and shall refrain from practicing for thirty (30) days for the first instance of a single missed screen. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.43 of the Revised Code.

12. During the periods of SUSPENSION and PROBATION, DOCTOR MURPHY agrees that if he fails to participate in an alcohol and drug rehabilitation program at least as frequently as required by sub-paragraph G of paragraph 2 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the violation and shall refrain from practicing for fifteen (15) days following a first missed meeting. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.43 of the Revised Code.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR MURPHY appears to have violated or breached any term or condition of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

If the Secretary and Supervising Member of the BOARD determine that there is clear and convincing evidence that DOCTOR MURPHY has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR MURPHY 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 the purposes of initiating a summary suspension pursuant to Section 4731.22(D), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

This AGREEMENT shall remain in force for a minimum of five (5) years following the reinstatement of DOCTOR MURPHY's certificate to practice osteopathic medicine and surgery in Ohio prior to any request for termination of said AGREEMENT. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, DOCTOR MURPHY shall not seek modification of the PROBATIONARY terms until after completion of the first year of PROBATION.

ACKNOWLEDGMENTS/LIABILITY RELEASE

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

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

DOCTOR MURPHY hereby releases the STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

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.



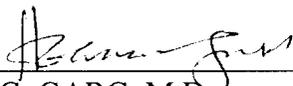
BRADFORD J. MURPHY, D.O.

5/4/27/98
DATE



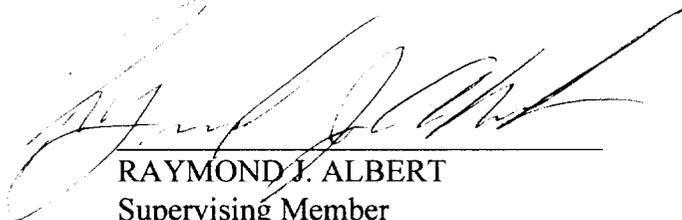
ERIC KLINKE
Attorney for Dr. Murphy

April 27, 1998
DATE



ANAND G. GARG, M.D.
Secretary

05/13/98
DATE



RAYMOND J. ALBERT
Supervising Member

5/13/98
DATE



JAMES M. McGOVERN
Assistant Attorney General

5/13/98
DATE



STATE MEDICAL BOARD OF OHIO

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

February 11, 1998

Bradford J. Murphy, D.O.
3716 Wilmington Pike
Kettering, Ohio 45429

Dear Doctor Murphy:

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

- (1) On or about the following dates, you issued prescriptions for yourself for the drugs and amounts listed below:

<u>Date</u>	<u>Drug Prescribed</u>	<u>Amount</u>
11/06/92	Lortab 7.5	15
11/25/92	Lomotil	30
02/02/93	Paregoric	4 oz
02/19/93	Paregoric	180 ml
02/25/93	Lortab 7.5	15
03/18/93	Lortab 7.5	30
03/18/93	Lomotil	30
05/12/93	Lortab 7.5	20
05/24/93	Paregoric	180 ml
07/13/93	Lortab 7.5	30
08/18/93	Lortab 7.5	20
12/17/93	Lortab 7.5	30
02/10/94	Lortab 7.5	30
02/26/94	Lortab 7.5	30
05/06/94	Lortab 7.5	30
06/25/94	Lortab 7.5	30
08/04/94	Lortab 7.5	30
11/23/94	Lortab 7.5	30



Mailed 2/12/98

<u>Date</u>	<u>Drug Prescribed</u>	<u>Amount</u>
12/10/94	Lortab 7.5	30
01/07/95	Lortab 7.5	30
10/06/95	Lortab 7.5	30
11/02/95	Lortab 7.5	30
12/16/95	Oxazepam 30 mg	30
12/17/95	Vicodin ES	30
12/26/95	Lortab 7.5 mg	30
01/06/96	Promethazine with Codeine Syrup	120 ml
02/24/96	Lortab 7.5 mg	20
02/26/96	Lortab 7.5 mg	30
04/12/96	Lortab 7.5 mg	30
04/12/96	Oxazepam 30 mg	30
05/25/96	Lortab 7.5 mg	30
05/25/96	Oxazepam 30 mg	30
06/13/96	Lortab 7.5 mg	30
06/13/96	Oxazepam 30 mg	30
06/28/96	Lortab 7.5 mg	30
06/28/96	Oxazepam 30 mg	30
07/08/96	Lortab 7.5 mg	30
07/08/96	Oxazepam 30 mg	30
07/12/96	Lortab 7.5 mg	30
07/24/96	Lortab 7.5 mg	30
07/24/96	Oxazepam 30 mg	30
07/27/96	Lortab 7.5 mg	30
08/05/96	Lortab 7.5 mg	30
09/09/96	Lortab 7.5 mg	30
09/09/96	Oxazepam 30 mg	30
09/14/96	Lortab 7.5 mg	30
09/19/96	Lortab 7.5 mg	30
09/19/96	Oxazepam 30 mg	30
10/04/96	Lortab 7.5 mg	30
10/04/96	Oxazepam 30 mg	30
10/23/96	Lortab 7.5 mg	30
10/23/96	Oxazepam 30 mg	30
11/15/96	Lortab 7.5 mg	30
11/15/96	Oxazepam 30 mg	30
12/3/96	Lortab 7.5	30
12/3/96	Oxazepam 30 mg	30

Although you maintain a patient record for yourself, these prescriptions are not recorded in such record.

- (2)(a) On or about December 19, 1996, when questioned by Board investigators concerning matters including the prescriptions listed in paragraph 1 above, you denied that you had an addiction problem.

Subsequently, however, you received treatment for chemical dependency at Talbot Recovery Services at Park Medical Center from December 26, 1996, to January 9, 1997. Additionally, you entered into an advocacy contract with the Ohio Physicians Effectiveness Program (OPEP) on or about January 9, 1997, and began undergoing random urine toxicology screens on a weekly basis, as required by your advocacy contract, in February 1997. You also initiated participation in aftercare with the Continuing Care Program at Miami Valley Hospital's Turning Point in Dayton, Ohio, on January 16, 1997.

- (b) In or about April 1997, you suffered a relapse of your chemical dependency, testing positive for oxazepam on May 2, 1997, and you were referred by OPEP to Talbot Recovery Services at Park Medical Center for further assessment. Thereafter, you again received treatment for chemical dependency at Talbot Recovery Services from June 23, 1997, through June 29, 1997.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "[c]ommission of an act that constitutes a misdemeanor in this state regardless of the jurisdiction in which the act was committed, if the act was committed in the course of practice," as that clause is used in Section 4731.22(B)(12), Ohio Revised Code, to wit: Section 2925.11(A), Ohio Revised Code, Drug Abuse (as in effect prior to July 1, 1996) and/or Possession of Drugs (as in effect since July 1, 1996).

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rules 4731-11-02(A), (C), and (D), Ohio Administrative Code. Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, violation of Rule 4731-11-02(A), (C) or (D), Ohio Administrative Code, also violates Sections 4731.22(B)(2) and (6), Ohio Revised Code. Further, if a violation of Rule 4731-11-02(C), Ohio Administrative Code, is committed purposely, knowingly or recklessly, it also constitutes a violation of Section 4731.22(B)(3), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "[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," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

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

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.
Secretary

AGG/lsg
Enclosures

**CERTIFIED MAIL #Z 395 591 336
RETURN RECEIPT REQUESTED**

cc: Douglas E. Graff, Esq.
**CERTIFIED MAIL #Z 395 591 337
RETURN RECEIPT REQUESTED**