STEP II
CONSENT AGREEMENT
BETWEEN
MARK EDWIN SENIOR, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO

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

MARK EDWIN SENIOR, D.O., 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 STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22, 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 violations of Section 4731.22(A), Ohio Revised Code, "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board;" Section 4731.22(B)(5), Ohio Revised Code, "[m]aking a false, fraudulent, deceptive, or misleading statement ... in securing or attempting to secure any certificate to practice or certificate of registration issued by the board;" and/or 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."

B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(A), (B)(5), and (B)(26), Ohio Revised Code, as set forth in Paragraphs E and F of the August 2000 Step I Consent Agreement between MARK EDWIN SENIOR, D.O., and THE STATE MEDICAL

BOARD OF OHIO, a copy of which is attached hereto and fully incorporated herein, 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. MARK EDWIN SENIOR, D.O., is applying for reinstatement of his certificate to practice osteopathic medicine and surgery in the State of Ohio, which was suspended pursuant to the terms of the above-referenced August 2000 Step I Consent Agreement.

D. MARK EDWIN SENIOR, D.O. STATES that he is not licensed to practice osteopathic medicine and surgery in any other state or jurisdiction.

E. MARK EDWIN SENIOR, D.O., ADMITS that after being admitted to Shepherd Hill Hospital in Newark, Ohio, a Board approved treatment provider, on or about July 17, 2000, for treatment for his alcohol dependency, he completed Residential Day Treatment and was transitioned to extended residential treatment at the Central Ohio Recovery Residence (CORR) on July 24, 2000. DOCTOR SENIOR further ADMITS that he successfully completed his treatment at CORR on September 15, 2000, and was discharged from Shepherd Hill Hospital at that time.

F. MARK EDWIN SENIOR, D.O., STATES, and the STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES receipt of information to support, that since being discharged from Shepherd Hill Hospital on September 15, 2000, he has remained fully compliant with terms of the advocacy contract into which he entered with the Ohio Physicians Effectiveness Program in November 1999 and his recovery plan and subsequent aftercare contract with his treatment provider, Shepherd Hill Hospital, as administered by One Step, Inc. DOCTOR SENIOR ADMITS that such advocacy and aftercare contracts remain in effect to date.

G. MARK EDWIN SENIOR, D.O., STATES, and the STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES, that Frederick N. Karaffa, M.D., of Shepherd Hill Hospital, a BOARD approved treatment provider in Newark, Ohio, and Robert A. Liebelt, M.D., of Ignatia Hall Acute Alcohol/Drug Treatment Center at St. Thomas Hospital, a BOARD approved treatment provider in Akron, Ohio, have provided written reports indicating that DOCTOR SENIOR's ability to practice has been assessed and that 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 requirements are in place.

H. MARK EDWIN SENIOR, D.O., STATES, and THE STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES, that DOCTOR SENIOR has fulfilled the conditions for reinstatement of his certificate to practice osteopathic medicine and surgery in the State of Ohio, as established in the above-referenced August 2000 Step I Consent Agreement between MARK EDWIN SENIOR, D.O., and THE STATE MEDICAL BOARD OF OHIO.

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 MARK EDWIN SENIOR, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be reinstated, and MARK EDWIN SENIOR, D.O., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following PROBATIONARY terms, conditions and limitations:

1. DOCTOR SENIOR shall obey all federal, state and local laws, and all rules governing the practice of osteopathic medicine in Ohio;

2. DOCTOR SENIOR 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 the 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;

3. DOCTOR SENIOR 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 SENIOR written notification of scheduled appearances, it is DOCTOR SENIOR'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 SENIOR shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

4. In the event that DOCTOR SENIOR should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR SENIOR must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed;

5. In the event DOCTOR SENIOR 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 the CONSENT AGREEMENT;

MONITORING OF REHABILITATION AND TREATMENT

Sobriety

6. DOCTOR SENIOR shall abstain completely from the personal use or possession of drugs, except those prescribed, personally furnished or administered to him by another so authorized by law who has full knowledge of DOCTOR SENIOR's history of chemical dependency;

7. DOCTOR SENIOR shall abstain completely from the use of alcohol;

Drug and Alcohol Screens/Supervising Physician

8. DOCTOR SENIOR shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR SENIOR 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 (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR SENIOR shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR SENIOR 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 DOCTOR SENIOR. 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;

DOCTOR SENIOR 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 screenings have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities;

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR SENIOR must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR SENIOR 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;

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 SENIOR's quarterly declaration. It is DOCTOR SENIOR's responsibility to ensure that reports are timely submitted;

9. The BOARD retains the right to require, and DOCTOR SENIOR agrees to submit, blood or urine specimens for analysis at DOCTOR SENIOR's expense upon the BOARD's request and without prior notice. DOCTOR SENIOR'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

10. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR SENIOR shall submit for the BOARD's prior approval the name of a monitoring physician, who shall review

DOCTOR SENIOR's patient charts and shall submit a written report of such review to the BOARD on a quarterly basis. In approving an individual to serve in this capacity, the BOARD will give preference to a physician who practices in the same locale as DOCTOR SENIOR and who is engaged in the same or similar practice specialty. 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 SENIOR'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 SENIOR and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR SENIOR 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 SENIOR must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR SENIOR shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore;

All monitoring physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR SENIOR's quarterly declaration. It is DOCTOR SENIOR's responsibility to ensure that reports are timely submitted;

Rehabilitation Program/Aftercare Meetings

11. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR SENIOR shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, no less than four (4) times per week. Substitution of any other specific program must receive prior BOARD approval.

    In addition, DOCTOR SENIOR shall undertake and maintain participation in an aftercare meeting at One Step, Inc., no less than one (1) time per week. In the event that DOCTOR SENIOR's designated aftercare meeting is not held in a given week, DOCTOR SENIOR shall participate in an additional meeting of an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus. Substitution of any other specific program must receive prior BOARD approval.

DOCTOR SENIOR shall submit with each quarterly declaration required under Paragraph 2 of this CONSENT AGREEMENT acceptable documentary evidence of continuing compliance with these programs;

Aftercare

12. DOCTOR SENIOR shall maintain continued compliance with the terms of the advocacy contract entered into with the Ohio Physicians Effective Program and with the terms of the 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;

Releases

13. DOCTOR SENIOR 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

14. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR SENIOR 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, DOCTOR SENIOR 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;

15. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR SENIOR 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. DOCTOR SENIOR 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, DOCTOR

SENIOR shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt;

VIOLATION OF PROBATIONARY TERMS

16. Any violation of Paragraph 6 or Paragraph 7 of this CONSENT AGREEMENT shall constitute grounds to revoke or permanently revoke DOCTOR SENIOR's certificate. DOCTOR SENIOR 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 SENIOR's certificate based on other violations of this CONSENT AGREEMENT;

17. DOCTOR SENIOR AGREES that if any declaration or report required by this CONSENT AGREEMENT is not received in the BOARD's offices on or before its due date, DOCTOR SENIOR 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;

18. DOCTOR SENIOR 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 by Paragraph 8 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; and,

19. DOCTOR SENIOR AGREES that if he fails to participate in an alcohol and drug rehabilitation program at least as frequently as required by Paragraph 11 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.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR SENIOR 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 DOCTOR SENIOR has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR SENIOR 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

DOCTOR SENIOR shall not request termination of this CONSENT AGREEMENT for a minimum of five (5) years. In addition, DOCTOR SENIOR shall not request modification to the probationary terms, limitations and conditions contained herein for at least one (1) 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

DOCTOR SENIOR 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.

DOCTOR SENIOR 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 that it shall become effective upon the last date of signature below.

MARK EDWIN SENIOR, D.O.

11-3-00
DATE

ANAND G. GARG, M.D.
Secretary

11/8/00
DATE

RAYMOND J. ALBERT
Supervising Member

11/9/00
DATE

ANNE B. STRAIT, ESQ.
Assistant Attorney General

11/8/00
DATE

STEP I
CONSENT AGREEMENT
BETWEEN
MARK EDWIN SENIOR, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO

STATE MEDICAL BOARD OF OHIO
2000 AUG -2 A 11:

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

MARK EDWIN SENIOR, D.O. 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 STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22, 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 violations of Section 4731.22(A), Ohio Revised Code, "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board;" Section 4731.22(B)(5), Ohio Revised Code, "[m]aking a false, fraudulent, deceptive, or misleading statement ... in securing or attempting to secure any certificate to practice or certificate of registration issued by the board;" and/or 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."

B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(A), (B)(5), and (B)(26), 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. MARK EDWIN SENIOR, D.O. is licensed to practice osteopathic medicine and surgery in the State of Ohio.

D. MARK EDWIN SENIOR, D.O. STATES that he is not licensed to practice osteopathic medicine and surgery in any other State or jurisdiction.

E. MARK EDWIN SENIOR, D.O. ADMITS that he was initially treated for alcohol addiction at the Cleveland Clinic Foundation in Cleveland, Ohio, a Board approved treatment provider, on an outpatient basis in or about May 1999. DOCTOR SENIOR further ADMITS that he thereafter entered into an advocacy agreement with the Ohio Physicians Effectiveness Program and that he participated in aftercare with Sally Bernard M.A., LPC, CCDC III, of One Step Inc., in North Canton, Ohio.

DOCTOR SENIOR further ADMITS that he relapsed, in or about Fall 1999, at that time returning to occasional social drinking, and that by Spring 2000 his drinking had significantly increased. DOCTOR SENIOR further ADMITS that on or about July 17, 2000, he entered Shepherd Hill Hospital in Newark, Ohio, a Board approved treatment provider, for inpatient treatment for his alcohol addiction. DOCTOR SENIOR further ADMITS that he remains in inpatient treatment to date.

F. Further, MARK EDWIN SENIOR, D.O., ADMITS that in or about December 1999 in completing his application for renewal of his certificate to practice osteopathic medicine or surgery, he answered "No" to Question 3 which asks "At any time since signing your last application for renewal of your certificate have you been addicted to or dependent upon alcohol or any chemical substance; or been treated for, or been diagnosed as suffering from, drug or alcohol dependency or abuse?"

DOCTOR SENIOR further ADMITS that he had, in fact, since signing his last application for renewal, been addicted to or dependent upon alcohol, and treated for, or diagnosed as suffering from, alcohol dependency or abuse. DOCTOR SENIOR further ADMITS that at the time he completed such application he had not successfully completed treatment at a program approved by this Board and subsequently adhered to all statutory requirements as contained in Sections 4731.224 and 4731.25, Ohio Revised Code, and related provisions, and was not currently enrolled in a Board approved program.

AGREED CONDITIONS

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

REPRIMAND

1. DOCTOR SENIOR is hereby REPRIMANDED for his violations of Sections 4731.22(A) and (B)(5), Ohio Revised Code;

SUSPENSION OF CERTIFICATE

2. The certificate of DOCTOR SENIOR to practice osteopathic medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time;

Sobriety

3. DOCTOR SENIOR 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 SENIOR's history of chemical dependency;

4. DOCTOR SENIOR shall abstain completely from the use of alcohol;

Releases; Quarterly Declarations and Appearances

5. DOCTOR SENIOR 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 DOCTOR SENIOR's chemical dependency or related conditions, or for purposes of complying with the 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. DOCTOR SENIOR 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;

6. DOCTOR SENIOR 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 the 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;

7. DOCTOR SENIOR 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 SENIOR written notification of scheduled appearances, it is DOCTOR SENIOR'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 SENIOR shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

<u>Drug & Alcohol Screens; Supervising Physician</u>

8. DOCTOR SENIOR shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR SENIOR 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 (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR SENIOR shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR SENIOR 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 DOCTOR SENIOR. 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.

DOCTOR SENIOR 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.

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR SENIOR must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR SENIOR 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.

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 SENIOR's quarterly declaration. It is DOCTOR SENIOR's responsibility to ensure that reports are timely submitted;

CONDITIONS FOR REINSTATEMENT

9. The BOARD shall not consider reinstatement of DOCTOR SENIOR's certificate to practice osteopathic medicine and surgery unless and until all of the following conditions are met:

   a. DOCTOR SENIOR shall submit an application for reinstatement, accompanied by appropriate fees, if any;

b. DOCTOR SENIOR 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 DOCTOR SENIOR 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 SENIOR'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 individuals or providers approved by the BOARD for making such assessments and shall describe the basis for this determination.

c. DOCTOR SENIOR shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the BOARD or, if the BOARD and DOCTOR SENIOR are unable to agree on the terms of a written CONSENT AGREEMENT, then DOCTOR SENIOR 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 DOCTOR SENIOR'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 and, upon termination of the consent agreement or Board Order, submission to the BOARD for at least two years of annual progress reports made under penalty of BOARD disciplinary action or criminal prosecution stating whether DOCTOR SENIOR has maintained sobriety;

10. In the event that DOCTOR SENIOR 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 DOCTOR SENIOR's fitness to resume practice;

REQUIRED REPORTING BY LICENSEE

11. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR SENIOR 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. DOCTOR SENIOR 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, DOCTOR SENIOR shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

12. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR SENIOR 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, DOCTOR SENIOR 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, DOCTOR SENIOR 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

DOCTOR SENIOR 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.

DOCTOR SENIOR 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.

Mark E Senior DO
MARK EDWIN SENIOR, D.O.

7-31-00
DATE

ANAND G. GARG, M.D.
Secretary

08/09/00
DATE

RAYMOND J. ALBERT
Supervising Member

8/9/00
DATE

ANNE B. STRAIT, ESQ.
Assistant Attorney General

8/9/00
DATE

Rev. 10/99