

State Medical Board of Ohio

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

(614) 466-3934

med.ohio.gov

April 9, 2014

Case number: 14-CRF-040

William K. Basedow, D.O.
1202 Penobscot Trail
Ironton, OH 45638

Dear Doctor Basedow:

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

- (1) During the time period of in or about November 2005 to in or about March 2013, you provided care in the routine course of your practice for Patients 1 through 8 as identified in the attached Patient Key (Patient Key confidential and to be withheld from public disclosure).

In your treatment of Patients 1 – 8, you practiced below minimal standards of care, including, but not limited to, the following:

- (a) Regarding Patients 1 – 5 and 7 - 8, you failed to obtain, appropriately review and/or properly document review of patient histories and/or prior medical records;
- (b) Regarding Patients 1, 2, 6, and 7, you failed to establish appropriate diagnoses and/or failed to document the establishment of appropriate diagnoses.
- (c) Regarding Patients 1 – 8, the amount and/or type and/or combination of narcotics prescribed was not supported by history, diagnoses, physical exam and/or test findings;

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- (d) Regarding Patients 1 – 3, and 5, you inappropriately prescribed high doses of central nervous system depressants despite diagnoses of Narcolepsy, Depression, Anxiety, and/or Substance Abuse.
- (e) Regarding Patients 1, 2, 4, and 5, you improperly escalated pain medication and dosage during the course of treatment, despite failing to successfully attain appropriate pain relief and/or failing to document appropriate pain relief;
- (f) Regarding Patients 1 – 3, you failed to develop and/or properly document the development of an individualized treatment plan for the treatment of patients' pain, other than prolonged opiate and/or opioid prescribing;
- (g) Regarding Patients 1 – 4, and 6 – 7, you failed to appropriately refer and/or document appropriate referral to specialists for behavioral health, mental health, chemical dependency, orthopedic and/or pain issues;
- (h) Regarding Patients 1, 2, 4, and 6, you failed to appropriately act and/or properly document appropriate action when presented with signs of patient drug abuse and/or diversion;
- (i) Regarding Patients 1, 2, and 4 – 6, you failed to appropriately evaluate, or document the appropriate evaluation with respect to possible adverse drug effects, signs of any illegal drug and/or alcohol use or abuse.

Your acts, conduct, and/or omissions pertaining to Patients 1-7, as alleged in paragraph (1) above, individually and/or collectively, constitute “[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,” as those clauses are used in Section 4731.22(B)(2), Ohio Revised Code.

Further, your acts, conduct, and/or omissions pertaining to Patients 1-8, as alleged in paragraph (1) above, individually and/or collectively, constitute “[a] departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established,” as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions pertaining to Patients 1 – 5 and Patients 7 – 8, 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: Rule 4731-21-02, Ohio Administrative Code, Utilizing Prescription Drugs for the Treatment of Intractable Pain. Furthermore, pursuant to Rule 4731-21-05, Ohio

Administrative Code, violation of Rule 4731-21-02, Ohio Administrative Code, also constitutes violation of Sections 4731.22(B)(2) and 4731.22(B)(6), Ohio Revised Code.

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

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

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

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Acting Secretary

LAT/AMM/pev
Enclosures

CERTIFIED MAIL #91 7199 9991 7033 2012 8989
RETURN RECEIPT REQUESTED

**IN THE MATTER OF
WILLIAM K. BASEDOW, D.O.**

14-CRF-040

**APRIL 9, 2014, NOTICE OF
OPPORTUNITY FOR HEARING -
PATIENT KEY**

**SEALED TO
PROTECT PATIENT
CONFIDENTIALITY AND
MAINTAINED IN CASE
RECORD FILE.**

**CONSENT AGREEMENT
BETWEEN
WILLIAM K. BASEDOW, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

WILLIAM K. BASEDOW, 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(B)(26), 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 "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(B)(26), Ohio Revised Code, as set forth in Paragraphs D, E, and G 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. WILLIAM K. BASEDOW, D.O., is licensed to practice osteopathic medicine and surgery in the State of Ohio.
- D. WILLIAM K. BASEDOW, D.O., ADMITS that in February 1997, at the request of his employer, Rivervalley Health System in Ironton, Ohio, he

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participated in a seventy-two hour inpatient evaluation at Talbot Recovery Services, a BOARD approved treatment provider in Columbus, Ohio.

During the evaluation, DOCTOR BASEDOW denied that he had any substance abuse problems and reported that he only drank on social occasions or holidays.

The conclusion of DOCTOR BASEDOW's February 1997 evaluation at Talbot Recovery Services was that there was no clinical evidence that DOCTOR BASEDOW suffered from chemical dependency.

- E. DOCTOR BASEDOW ADMITS, however, that on September 22, 1997, he was admitted to Talbot Recovery Services for a second evaluation at the request of Rivervalley Health System due to reports that DOCTOR BASEDOW smelled of alcohol at work, and that DOCTOR BASEDOW was displaying erratic behaviors that included inappropriate behavior towards a female employee in his office.

DOCTOR BASEDOW STATES that he had continued to consume alcohol after his evaluation in February 1997, but that he had cut down on the amount of alcohol that he was consuming. DOCTOR BASEDOW further STATES that his alcohol consumption occurred during the evening hours only and that he did not consume alcohol in the morning before work or during work hours.

DOCTOR BASEDOW further ADMITS that the conclusions of the evaluation were that DOCTOR BASEDOW suffered from alcohol abuse and that DOCTOR BASEDOW required inpatient treatment. Thereafter, DOCTOR BASEDOW completed the required inpatient treatment at Talbot Recovery Services and was discharged on October 4, 1997.

DOCTOR BASEDOW further ADMITS that his discharge recommendations included monitoring by OPEP, attendance at three AA meetings per week, and random urine drug testing.

DOCTOR BASEDOW STATES and THE STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES that the evaluation did not reveal that DOCTOR BASEDOW suffered from a psychiatric disorder.

- F. DOCTOR BASEDOW STATES that he has been monitored by the Ohio Physicians Effectiveness Program since October 1997, and that he has maintained compliance with the terms of his contract.

DOCTOR BASEDOW further STATES and THE STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES that the results of DOCTOR

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BASEDOW's urine toxicology screens have been negative. Further, DOCTOR BASEDOW has submitted documentation to the BOARD verifying his attendance at AA meetings.

- G. DOCTOR BASEDOW further STATES and THE STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES that Thomas H. Pepper, M.D., Medical Director of Talbot Recovery Services, a BOARD approved treatment provider in Columbus, Ohio, has opined that DOCTOR BASEDOW is competent to practice medicine as long as he remains in compliance with his treatment program and abstinent from alcohol and mood-altering chemicals.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, WILLIAM K. BASEDOW, 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 BASEDOW shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. DOCTOR BASEDOW 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 BASEDOW 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 BASEDOW written notification of

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

4. In the event that DOCTOR BASEDOW should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR BASEDOW 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 BASEDOW 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 BASEDOW 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 BASEDOW's history of chemical dependency;
7. DOCTOR BASEDOW shall abstain completely from the use of alcohol;

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Drug and Alcohol Screens/Supervising Physician

8. DOCTOR BASEDOW shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR BASEDOW 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 BASEDOW shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR BASEDOW 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 BASEDOW. 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 BASEDOW 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/her responsibilities;

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR BASEDOW must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR BASEDOW 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 BASEDOW's quarterly declaration. It is DOCTOR BASEDOW's responsibility to ensure that reports are timely submitted.

9. The BOARD retains the right to require, and DOCTOR BASEDOW agrees to submit, blood or urine specimens for analysis at DOCTOR BASEDOW's expense upon the BOARD's request and without prior notice. DOCTOR BASEDOW'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 BASEDOW shall submit for the BOARD's prior approval the name of a monitoring physician, who shall monitor DOCTOR BASEDOW and provide the BOARD with quarterly reports on the doctor's progress and status. 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 BASEDOW and who is engaged in the same or similar practice specialty. It

shall be DOCTOR BASEDOW's responsibility to ensure that the monitoring physician's quarterly reports are submitted to the BOARD on a timely basis;

DOCTOR BASEDOW 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 BASEDOW must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR BASEDOW 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 BASEDOW's quarterly declaration. It is DOCTOR BASEDOW's responsibility to ensure that reports are timely submitted;

Rehabilitation Program

11. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR BASEDOW shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, no less than three (3) times per week. Substitution of any other specific program must receive prior BOARD approval;

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

Psychiatric Evaluation and Treatment

12. If, at any time during the period of this CONSENT AGREEMENT, the Secretary and Supervising Member of the BOARD determine that it is appropriate for DOCTOR BASEDOW to obtain a psychiatric evaluation, the BOARD reserves the right to request, and DOCTOR BASEDOW AGREES to obtain, a psychiatric evaluation that includes psychiatric testing, at DOCTOR BASEDOW's expense. The evaluation shall be conducted by a BOARD certified psychiatrist approved in advance by the BOARD. DOCTOR BASEDOW AGREES that prior to the evaluation, he will provide the psychiatrist with any information that the BOARD determines may be appropriate or helpful to the psychiatrist;

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Within thirty (30) days after the completion of the evaluation, DOCTOR BASEDOW shall release any patient records from his evaluation, and shall cause a written report to be submitted to the BOARD from the evaluating psychiatrist that includes the psychiatrist's diagnostic conclusions and any recommendations for care, counseling, or treatment for DOCTOR BASEDOW;

DOCTOR BASEDOW AGREES that the BOARD may use the psychiatrist's conclusions and recommendations as a basis for any additional probationary terms, conditions and limitations;

Releases

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

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FAILURE TO COMPLY

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

If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR BASEDOW 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 Agreement.

If the Secretary and Supervising Member of the BOARD determine that there is clear and

convincing evidence that DOCTOR BASEDOW has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR BASEDOW 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

This CONSENT AGREEMENT shall remain in force for a minimum of five (5) years prior to any request for termination of said CONSENT 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.

ACKNOWLEDGMENTS/LIABILITY RELEASE

DOCTOR BASEDOW 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 BASEDOW 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.

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William K. Basedow D.O.
WILLIAM K. BASEDOW, D.O.

9/20/99
DATE

[Signature]
DOUGLAS E. GRAFE, ESQ.
Attorney for Dr. Basedow

10/12/99
DATE

[Signature]
ANAND G. GARG, M.D.
Secretary

10/14/99
DATE

[Signature]
RAYMOND J. ALBERT
Supervising Member

10/14/99
DATE

[Signature]
ANNE B. STRAIT, ESQ.
Assistant Attorney General

10/14/99
DATE

STATE MEDICAL BOARD
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