

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Jeffrey Scott Stephenson, :  
 :  
 Plaintiff, :  
 :  
 v : Case No. 2:06-cv-0018  
 :  
 Ohio State Medical Board, et al., : JUDGE SARGUS  
 :  
 Defendants. :

ORDER

Plaintiff has filed a motion to dismiss without prejudice, to which defendants have not responded. Because answers have been filed, plaintiff may not dismiss voluntarily but must obtain a court order for dismissal. The absence of opposition to the motion indicates to the Court that neither the answering defendants nor the State Medical Board, which filed a motion to dismiss, opposes the plaintiff's request. The motion to dismiss (#13) is therefore GRANTED and this case is DISMISSED WITHOUT PREJUDICE.

Date: 6-15-2006

  
\_\_\_\_\_  
Edmund A. Sargus, Jr.  
United States District Judge

AO 450 (Rev. 5/85) Judgment in a Civil Case

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO**

Eastern Division

**JEFFREY SCOTT STEPHENSON,**

**Plaintiff,**

**JUDGMENT IN A CIVIL CASE**

v.

**OHIO STATE MEDICAL  
BOARD, et al.,**

**Defendants.**

**CASE NO. C2-06-018  
JUDGE EDMUND A. SARGUS, JR.  
MAGISTRATE JUDGE TERENCE P. KEMP**

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**Decision by Court.** A decision has been rendered by the Court without a hearing or trial.

**Pursuant to the ORDER filed June 15, 2006, JUDGMENT is hereby entered DISMISSING this action.**

Date: June 15, 2006

JAMES BONINI, CLERK

/s/ Andy F. Quisumbing  
(By) Andy F. Quisumbing  
Courtroom Deputy Clerk

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

:

:

JEFFREY S. STEPHENSON, D.O.

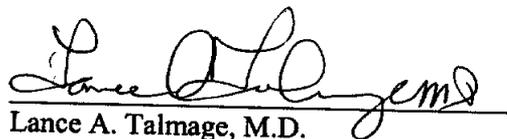
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**ENTRY OF ORDER**

On February 5, 2004, Jeffrey S. Stephenson, D.O., executed a Voluntary Surrender of his Certificate to practice osteopathic medicine and surgery in the State of Ohio with a consent to revocation, which document is attached hereto and fully incorporated herein.

In consideration of the foregoing and of Dr. Stephenson's express waiver of the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board members vote to revoke said certificate, it is hereby ORDERED that Certificate No. 34-005693 authorizing Jeffrey S. Stephenson, D.O., to practice osteopathic medicine be permanently REVOKED, effective February 9, 2004.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 9th day of February, 2004, and the original thereof shall be kept with said Journal.



Lance A. Talmage, M.D.

Secretary

(SEAL)

February 9, 2004

Date

**STATE OF OHIO  
THE STATE MEDICAL BOARD**

**SURRENDER OF CERTIFICATE  
TO PRACTICE OSTEOPATHIC MEDICINE AND SURGERY**

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

I, Jeffrey S. Stephenson, D.O., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 34-005693, to the State Medical Board of Ohio (Ohio Board), thereby relinquishing all rights to practice osteopathic medicine and surgery in Ohio. This surrender shall be effective upon acceptance of this Surrender of Certificate to Practice Osteopathic Medicine and Surgery by the Secretary and Supervising Member of the State Medical Board of Ohio.

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

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice osteopathic medicine and surgery No. 34-005693, or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, on or after the date of signing this Surrender of Certificate to Osteopathic Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice osteopathic medicine and surgery, No. 34-005693, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice osteopathic medicine and surgery.

This Surrender of Certificate to Practice Osteopathic Medicine and Surgery supersedes, and serves as a resolution of all obligations arising from, the Ohio Board Consent Agreement [Consent Agreement], effective March 14, 2002, a copy of which is attached hereto and incorporated herein.

I, Jeffrey S. Stephenson, D.O., hereby release the Ohio Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

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

**OHIO STATE MEDICAL BOARD**

**FEB 06 2004**

Jeffrey S. Stephenson, D.O.  
Surrender of Certificate to Practice Osteopathic Medicine and Surgery  
Page 2

I, Jeffrey S. Stephenson, D.O., agree to provide my social security number to the Ohio Board and hereby authorize the Ohio Board to utilize that number in conjunction with that reporting.

I, Jeffrey S. Stephenson, D.O., stipulate and agree that I am taking the action described herein in lieu of formal disciplinary action pursuant to Section 4731.22(B)(9), Ohio Revised Code, to wit: my plea of guilty to, and adjudication of guilt of, multiple felony drug counts on January 12, 2004, in Case No. 03 CR 109, in the Lawrence County Court of Common Pleas, Ironton, Ohio; and Section 4731.22(B)(15), Ohio Revised Code, for violations of the above Consent Agreement.

Signed this 5<sup>th</sup> day of Feb 2004.

Vickie J. Payton  
Witness

Jeffrey S. Stephenson  
JEFFREY S. STEPHENSON, D.O.

Debra N. Clark  
Witness

Sworn to and subscribed before me this 5<sup>th</sup> day of Feb 2004.

Vickie J. Payton  
Notary Public  
My Com. expires: 01/24/09

SEAL (This form must be either witnessed OR notarized)

Accepted by the State Medical Board of Ohio:

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

Raymond J. Albert  
RAYMOND J. ALBERT  
Supervising Member

2-9-04  
Date

2-9-04  
Date

Enclosure

OHIO STATE MEDICAL BOARD

FEB 06 2004

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

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

Dr. Stephenson enters into this Consent Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

**BASIS FOR ACTION**

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4731.22(B)(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 Board 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 Paragraph E below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. Dr. Stephenson is licensed to practice osteopathic medicine and surgery in the State of Ohio, License # 34-005693.
- D. Dr. Stephenson states that he is also licensed to practice osteopathic medicine and surgery in the State(s) of N/A.
- E. Dr. Stephenson admits that on February 25, 2002, he submitted to a 72-hour inpatient examination, as ordered by the Board for purposes of determining whether Dr. Stephenson is in violation of Section 4731.22(B)(26), Ohio Revised Code. Dr.

Stephenson further admits that, as a result of such examination, he was diagnosed with opiate dependence, determined to be currently impaired, and informed of the treatment team's recommendation that he enter residential treatment. Dr. Stephenson admits that he was thereafter admitted to Shepherd Hill Hospital, a Board-approved treatment provider, on March 4, 2002, for initial treatment for his opiate dependence.

Dr. Stephenson further admits that, from January 2001 to May 2001, he obtained OxyContin prescriptions from two physicians, neither of whom was aware that Dr. Stephenson was receiving OxyContin prescriptions from the other physician, and had such prescriptions filled at different pharmacies.

Dr. Stephenson states that he remains in residential treatment at Shepherd Hill Hospital to date.

### **AGREED CONDITIONS**

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

### **SUSPENSION OF CERTIFICATE**

1. The certificate of Dr. Stephenson to practice osteopathic medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time.

#### **Sobriety**

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

#### **Releases; Quarterly Declarations and Appearances**

4. Dr. Stephenson shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Stephenson's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical

records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Stephenson further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.

5. Dr. Stephenson shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective, provided that if the effective date is on or after the 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.
6. Dr. Stephenson shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

#### Drug & Alcohol Screens; Supervising Physician

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

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

Dr. Stephenson shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials

provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

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

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

#### Rehabilitation Program

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

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

#### **CONDITIONS FOR REINSTATEMENT**

9. The Board shall not consider reinstatement of Dr. Stephenson's certificate to practice osteopathic medicine and surgery until all of the following conditions are met:
  - a. Dr. Stephenson shall submit an application for reinstatement, accompanied by appropriate fees, if any.
  - b. Dr. Stephenson shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:

- i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Stephenson has successfully completed any required inpatient treatment.
  - ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
  - iii. Evidence of continuing full compliance with this Consent Agreement.
  - iv. Two written reports indicating that Dr. Stephenson'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. Dr. Stephenson shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Stephenson are unable to agree on the terms of a written Consent Agreement, then Dr. Stephenson further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

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

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

## **REQUIRED REPORTING BY LICENSEE**

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

The above-described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties.

### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Stephenson appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

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

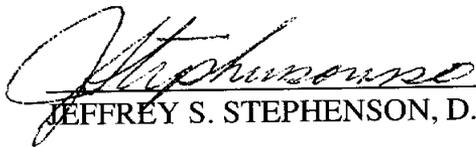
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

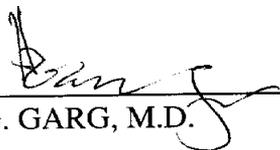
Dr. Stephenson hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

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

**EFFECTIVE DATE**

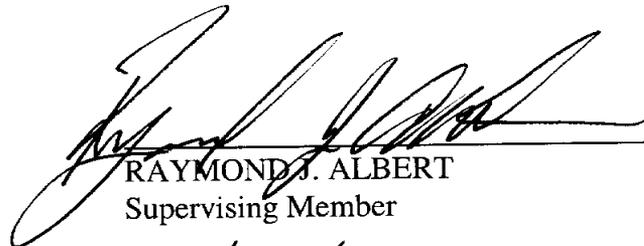
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
\_\_\_\_\_  
JEFFREY S. STEPHENSON, D.O.

  
\_\_\_\_\_  
ANAND G. GARG, M.D.  
Secretary

3/6/2002  
\_\_\_\_\_  
DATE

03/13/02  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
RAYMOND J. ALBERT  
Supervising Member

9/13/03  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
REBECCA ALBERS  
Assistant Attorney General

3/14/02  
\_\_\_\_\_  
DATE