

STATE MEDICAL BOARD
OF OHIO

2003 MAY 30 P 12: 07

**PROBATIONARY
CONSENT AGREEMENT
BETWEEN
ROBERT FRANCIS LINN, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Linn 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)(19), 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 an “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(19), 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 Consent Agreement.
- C. Dr. Linn is licensed to practice osteopathic medicine and surgery in the State of Ohio, License # 34-006798.
- D. Dr. Linn states that he is also licensed to practice osteopathic medicine or surgery in the State of Pennsylvania, License # OS-008974-L.

- E. Dr. Linn admits that during or about July 2002, he began treating with a psychiatrist for the diagnosis of Major Depression, Recurrent, for which he is presently prescribed Effexor and Topomax; that he subsequently began psychotherapy with a psychologist for interpersonal problems associated with difficulties with his marriage, anger control, and stress management; and that such psychiatric treatment and psychological counseling continues to date. Dr. Linn further admits that during or about 1998 and during or about 2002, he was hospitalized at various facilities in order to receive care related to episodes of his recurrent major depressive disorder. Dr. Linn states, and the Board acknowledges receipt of information to support, that Dr. Linn's ability to practice has been assessed by his current mental health treatment providers and 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 conditions are in place.

Dr. Linn admits that the aforementioned interpersonal problems include, but are not limited to, two incidents between he and his spouse that involved physical confrontation. Dr. Linn admits that on or about August 9, 1998, in the Montgomery County Area Court Two, in Montgomery County, Ohio, he was charged with Domestic Violence, in violation of Section 2919.25, Ohio Revised Code, and that such charge was dismissed following his completion of a court-affiliated diversion program. Dr. Linn further admits that on or about May 12, 2002, in the Montgomery County Area Court Two, in Montgomery County, Ohio, he was charged with Domestic Violence, in violation of Section 2919.25, Ohio Revised Code; and that he was found guilty of the reduced charge of Disorderly Conduct, in violation of Section 2917.11, Ohio Revised Code, for which the Court sentenced him to period of probation not to exceed one year, including the requirements that he attend anger management counseling and have no future violations of law. Dr. Linn states, and the Board acknowledges receipt of information to support, that Dr. Linn has been fully compliant with all terms of his probation and it is the expectation of the Chief Probation Officer that Dr. Linn will receive early termination from such supervision.

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

1. Dr. Linn shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio, and all terms of probation imposed by the Court in criminal case number CRB-0200693.
2. Dr. Linn 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. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. Dr. Linn 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.
4. In the event that Dr. Linn should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Linn 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 this 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 Dr. Linn 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 this Consent Agreement.

MONITORING OF TREATMENT

6. Within thirty days of the effective date of this Consent Agreement, Dr. Linn shall submit to the Board for its prior approval the names and qualifications of a psychiatrist and a psychologist of his choice. Upon approval by the Board, Dr. Linn shall undergo and continue psychiatric treatment no less than once every three months and psychological counseling no less than once every two weeks, or as otherwise directed by the Board. Dr. Linn shall comply with his counseling and psychiatric treatment plans, including taking medications as prescribed and/or ordered for his psychiatric disorder. Within thirty days of the effective date of this Consent Agreement, Dr. Linn shall provide both his approved treating psychiatrist and his approved treating psychologist with a copy of this Consent Agreement.

Dr. Linn shall submit to blood testing, at his expense and as directed by his treating psychiatrist or the Board, for levels of any medication that is prescribed for his psychiatric disorder. The specimen for the medication levels must be obtained by or under the direction and supervision of Dr. Linn's treating psychiatrist or another physician approved in advance by the Board.

Dr. Linn shall ensure that reports are forwarded by his treating psychiatrist and treating psychologist to the Board on a quarterly basis, or as otherwise directed by the Board. These reports shall contain information describing Dr. Linn's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Linn's compliance with his treatment plan; Dr. Linn's mental status; Dr. Linn's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Linn shall ensure that his treating psychiatrist and treating psychologist immediately notify the Board of his failure to comply with his psychiatric treatment plan and/or counseling and/or any determination that Dr. Linn is unable to practice due to his psychiatric disorder. It is Dr. Linn's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Linn's quarterly declaration.

Releases

7. Dr. Linn shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment providers 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

8. Within thirty days of the effective date of this Consent Agreement, Dr. Linn 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. Linn 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.
9. Within thirty days of the effective date of this Consent Agreement, Dr. Linn 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. Linn 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 for reinstatement of any professional license. Further, Dr. Linn shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Linn 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 Dr. Linn has violated any term, condition or limitation of this Consent Agreement, Dr. Linn 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

Dr. Linn shall not request termination of this Consent Agreement for a minimum of two years. In addition, Dr. Linn shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one 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

Dr. Linn 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.

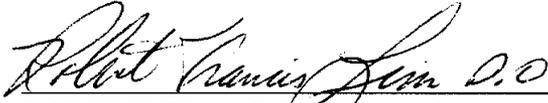
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Linn 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. Linn 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.



ROBERT FRANCIS LINN, D.O.



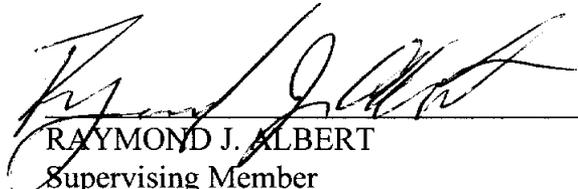
ANAND G. GARG, M.D.
Secretary

5/28/03

DATE

6/11/03

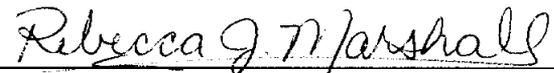
DATE



RAYMOND J. ALBERT
Supervising Member

6/11/03

DATE



REBECCA J. MARSHALL, ESQ.
Enforcement Coordinator

June 2, 2003

DATE