

Cleveland

CONSENT AGREEMENT
BY AND BETWEEN
MARVIN L. WHITMAN, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

THIS CONSENT AGREEMENT is entered into by and between MARVIN L. WHITMAN, M.D., hereinafter referred to as DR. WHITMAN, party of the first part, and THE STATE MEDICAL BOARD OF OHIO, hereinafter referred to as BOARD, party of the second part.

WHEREAS, DR. WHITMAN is a physician licensed to practice medicine or surgery in the State of Ohio, and is subject to all laws and rules of Ohio regulating the practice of medicine.

WHEREAS, the BOARD is a state agency charged with enforcing the Medical Practice Act, Revised Code Chapter 4731., which requires that physicians licensed thereunder conform to standards of conduct set forth with particularity therein.

WHEREAS, DR. WHITMAN knowingly and voluntarily enters into this agreement being fully aware of his rights including his right to consult with and be advised by legal counsel.

WHEREAS, DR. WHITMAN has recently completed a chemical dependency treatment program at St. Joseph's Hospital, St. Paul, Minnesota, DR. WHITMAN having experienced a problem with dependence to Demerol, a Schedule II controlled substance.

WHEREAS, on December 24, 1980, DR. WHITMAN appeared and participated in an informal conference regarding the aforesaid problem with JERAULD D. FERRITTO, D.P.M., Vice-President of the BOARD, at which time DR. WHITMAN voluntarily surrendered his Drug Enforcement Administration Certificate of Registration relinquishing his privilege to prescribe and handle all controlled substances.

WHEREAS, the parties have further resolved it to be in their mutual best interests to enter into this agreement.

WHEREFORE, DR. WHITMAN HEREBY PROMISES AND AGREES to abide by the following terms and conditions:

1. DR. WHITMAN will not re-apply for his Drug Enforcement Administration Certificate of Registration until he secures the prior written approval of the BOARD.
2. DR. WHITMAN shall attend Alcoholic's Anonymous (AA) meetings twice weekly.
3. DR. WHITMAN shall continue in the aftercare program of St. Vincent's Hospital, Cleveland, Ohio, and he shall arrange for the BOARD to receive notice of his successful completion of that program.
4. DR. WHITMAN shall continue for one (1) year from the effective date set forth below his program of daily urine monitoring with copies of the results to be forwarded to the BOARD once every two (2) weeks.
5. DR. WHITMAN agrees to continue under the personal care of private physician(s) of his choice for all medical conditions requiring attention and/or treatment.

6. DR. WHITMAN will arrange to have Clyde Nash, M.D., forward a written report to the BOARD concerning DR. WHITMAN's cervical disc.
7. DR. WHITMAN shall report in person, at periodic intervals as requested, to the BOARD or a designated representative thereof for the purpose of reporting on his current activities and health.
8. DR. WHITMAN shall cooperate fully with the BOARD and its agents and employees.

IT IS FURTHER AGREED by and between the parties that if, in the discretion of the BOARD, DR. WHITMAN appears to have violated or breached any term or condition of this agreement, the BOARD reserves the right, upon notice and the opportunity to be heard, to institute disciplinary proceedings under the provisions of Revised Code Section 4731.22 and in accordance with Revised Code Chapter 119. In consideration of DR. WHITMAN's agreement to conform with the terms and conditions of this agreement, the BOARD agrees to refrain from taking formal action with regard to DR. WHITMAN 's certificate to practice medicine or surgery in Ohio.

Upon the written consent of both parties, the terms and conditions of this agreement may be modified or terminated.

The terms and conditions of this agreement shall become effective on the 6th day of January, 1981.

IN WITNESS WHEREOF, we have hereunto set our hands on the day and year appearing below.

AGREED TO BY:

Marvin L. Whitman
 MARVIN L. WHITMAN, M.D.

1/2/81
 DATE

Sworn to and subscribed before me this day of January, 1981.

AGREED TO BY:

THE STATE MEDICAL BOARD OF OHIO

Anthony Ruppersberg, Jr.
 ANTHONY RUPPERSBERG, JR., M.D.
 Secretary

David W. Wenger
 NOTARY PUBLIC
 My commission expires June 20, 1984

6 January 1981
 DATE

Jeffrey J. Jurca
 JEFFREY J. JURCA, ESQ.
 Assistant Attorney General

1/2/81
 DATE

Sworn to and subscribed before me this 6th day of January, 1981.

David W. Wenger
 NOTARY PUBLIC
 FRANKLIN COUNTY
 Attorney at Law
 My Commission has no expiration date.

AMENDMENT TO
CONSENT AGREEMENT
BY AND BETWEEN
MARVIN L. WHITMAN, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO

IT IS HEREBY AGREED by and between the parties that the Consent Agreement of January 6, 1981, be modified as follows:

1. DR. WHITMAN shall be permitted to prescribe all controlled substances listed in Schedules 2, 3, 4 and 5 when he is functioning within the physical confines of a hospital or like facility where the patient who is the subject of the prescription is located.
2. DR. WHITMAN shall be permitted to prescribe all controlled substances listed in Schedules 2, 3, 4 and 5 except Schedule 2 narcotics, when functioning outside the physical confines of a hospital or like facility.

All other provisions, terms or conditions of the Consent Agreement of January 6, 1981, not affected by, or in conflict with, this Amendment shall remain in full force and effect.

This Amendment shall become effective upon execution by the parties, or duly authorized representatives thereof, on the appropriate space(s) appearing below.

IN WITNESS WHEREOF, we have hereunto set our hands on the day and year appearing below.

AGREED TO BY:

THE STATE MEDICAL BOARD OF OHIO

Jerald D. Ferritto, D.P.M.
JERALD D. FERRITTO, D.P.M.
Member

5-28-81
Date

David W. Wenger
DAVID W. WENGER
Counsel

5/28/81
Date

AGREED TO BY:

Marvin L. Whitman, M.D.
MARVIN L. WHITMAN, M.D.

6/1/81
Date