

**CONSENT AGREEMENT  
BETWEEN  
FRANK W. KELLOGG, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between FRANK W. KELLOGG, M.D., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

FRANK W. KELLOGG, M.D., 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.

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), 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 any violation of Sections 4731.22(B)(1) through (B)(26), Ohio Revised Code.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of further formal proceedings based upon the violation of Section 4731.22(B)(20) to wit: Rule 4731-11-02(C)(D) as alleged in the March 13, 1991 Notice of Opportunity for Hearing, 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. FRANK W. KELLOGG, M.D., is licensed to practice medicine and surgery in the State of Ohio.
- D. FRANK W. KELLOGG, M.D., admits to the factual allegations contained in the March 13, 1991 Notice of Opportunity for Hearing.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth and in lieu of any further formal proceedings at this time, FRANK W. KELLOGG, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO to the following terms, conditions, and limitations:

1. The license of FRANK W. KELLOGG, M.D., to practice medicine and surgery in the State of Ohio shall be permanently limited as follows:

- a. On and after July 1, 1991 DR. KELLOGG shall not practice medicine in this state insofar as that practice involves the examination, diagnosis and/or treatment of patients. DR. KELLOGG shall confine his practice of medicine to such non-patient care activities as chart and record review, facility or institutional examination, assessment or accreditation, medical education and administrative medicine.
- b. Contemporaneous with this CONSENT AGREEMENT, DR. KELLOGG shall voluntarily surrender all his DEA certificate(s) for the prescription of scheduled medications and further agrees not to seek reinstatement of said certificate(s).
- c. DR. KELLOGG shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all of the conditions of this CONSENT AGREEMENT.
- d. DR. KELLOGG shall provide all employers and the Chief of Staff of every hospital where he has, applies for, or obtains hospital privileges with a copy of this CONSENT AGREEMENT.

If, in the discretion of the Secretary of THE STATE MEDICAL BOARD OF OHIO, FRANK W. KELLOGG, M.D., appears to have violated or breached any terms or conditions of this CONSENT AGREEMENT, THE STATE MEDICAL BOARD OF OHIO 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.

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.

FRANK W. KELLOGG, M.D., 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.

The terms and conditions of this CONSENT AGREEMENT shall become effective immediately upon the last date of signature below.

Frank W. Kellogg, M.D.  
FRANK W. KELLOGG, M.D.

5-23-91  
DATE

Frank C. Woodside, III  
FRANK C. WOODSIDE, III  
Attorney for  
Frank W. Kellogg, M.D.

5-23-91  
DATE

Carla S. O'Day, M.D.  
CARLA S. O'DAY, M.D.  
Acting Secretary

5/28/91  
DATE

Timothy S. Jost  
TIMOTHY S. JOST  
Supervising Member

5/25/91  
DATE

Lisa A. Sotos  
LISA A. SOTOS  
Assistant Attorney General

5/28/91  
DATE



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

March 13, 1991

Frank W. Kellogg, M.D.  
Children's Hospital Medical Center  
Bethesda and Elland Avenues  
Cincinnati, OH 45229

Dear Doctor Kellogg:

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

- (1) As reflected by the Prescription List, you prescribed the following controlled substances to Patient 1, as identified in the attached Patient Key, (Key confidential--not for public disclosure). By your own admission, this prescribing resulted in Patient 1 becoming addicted to the controlled substances. Further, you failed to maintain any medical records regarding this prescribing.

## Prescription List

<u>NAME</u>	<u>DATE</u>	<u>CONTROLLED SUBSTANCE</u>	<u>AMOUNT</u>
Patient 1	11/22/86	Percodan Tablet	100
	12/10/86	Percodan Tablet	100
	01/09/87	Percodan Tablet	100
	02/03/87	Percodan Tablet	100
	02/26/87	Percodan Tablet	100
	03/23/87	Percodan Tablet	100
	04/17/87	Percodan Tablet	100
	05/13/87	Percodan Tablet	100
	06/04/87	Percodan Tablet	100
	06/30/87	Percodan Tablet	100
	07/24/87	Percodan Tablet	100
	07/24/87	Restoril 30 mg.	100
	08/21/87	Percodan Tablet	100

Frank W. Kellogg, M.D.

*Mailed 3/14/91*

March 13, 1991

<u>NAME</u>	<u>DATE</u>	<u>CONTROLLED SUBSTANCE</u>	<u>AMOUNT</u>
Patient 1 (Cont'd)	09/17/87	Percodan Tablet	100
	10/10/87	Percodan Tablet	100
	11/05/87	Percodan Tablet	100
	11/29/87	Percodan Tablet	100
	12/18/87	Percodan Tablet	100
	01/14/88	Percodan Tablet	100
	02/08/88	Percodan Tablet	100
	03/03/88	Percodan Tablet	100
	03/26/88	Percodan Tablet	100
	04/20/88	Percodan Tablet	100
	05/10/88	Percodan Tablet	100
	06/06/88	Percodan Tablet	100
	06/30/88	Percodan Tablet	100
	07/24/88	Percodan Tablet	100
	08/15/88	Percodan Tablet	100
	09/03/88	Percodan Tablet	100
	09/23/88	Percodan Tablet	100
	12/10/88	Percodan Tablet	100
	01/24/89	Percodan Tablet	100
	03/13/89	Percodan Tablet	100
	05/02/89	Percodan Tablet	100
	05/24/89	Percodan Tablet	100
	06/17/89	Percodan Tablet	100
	07/10/89	Percodan Tablet	100
	07/14/89	Restoril 30 mg.	100
	07/31/89	Percodan Tablet	100
	08/19/89	Percodan Tablet	100
	09/01/89	Restoril 30 mg.	100
	10/17/89	Valium 5 mg.	50
	10/17/89	Restoril 30 mg.	100
	11/03/89	Noctec 500 mg.	20
	11/13/89	Dalmane 30 mg.	25
	11/15/89	Fiorinal Capsules	25
	11/25/89	Dalmane 30 mg.	50
	11/28/89	Fiorinal Capsules	50
	11/28/89	Darvocet N 100 mg.	50
	12/18/89	Restoril 30 mg.	100
	12/22/89	Darvocet N 100 mg.	100
	12/22/89	Fiorinal Capsules	100

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<u>NAME</u>	<u>DATE</u>	<u>CONTROLLED SUBSTANCE</u>	<u>AMOUNT</u>
Patient 1 (Cont'd)	01/30/90	Fiorinal Capsules	100
	02/06/90	Restoril 30 mg.	100
	03/29/90	Restoril 30 mg.	100
	04/02/90	Fiorinal Capsules	100
	05/10/90	Restoril 30 mg.	100
	05/10/90	Fiorinal Capsules	100
	06/17/90	Fiorinal Capsules	100
	06/21/90	Restoril 30 mg.	100
	07/28/90	Fiorinal Capsules	100
	09/14/90	Fiorinal Capsules	100
	09/22/90	Restoril 30 mg.	100
	10/02/90	Tylox Capsules	6
	10/12/90	Fiorinal Capsules	100
	11/01/90	Restoril 30 mg.	50

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively constitute "(v)iolating 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 4731-11-02(C), Ohio Administrative Code. Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, violation of Rule 4731-11-02(C), Ohio Administrative Code, also violates Sections 4731.22(B)(2) and (6) and further, if such violation is committed purposely, knowingly, or recklessly, it also constitutes a violation of Section 4731.22(B)(3).

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively constitute "(v)iolating 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 4731-11-02(D), Ohio Administrative Code. Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, violation of Rule 4731-11-02(D), Ohio Administrative Code, also violates Sections 4731.22(B)(2) and (6).

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 (30) days of the time of mailing of this notice.

Frank W. Kellogg, M.D.  
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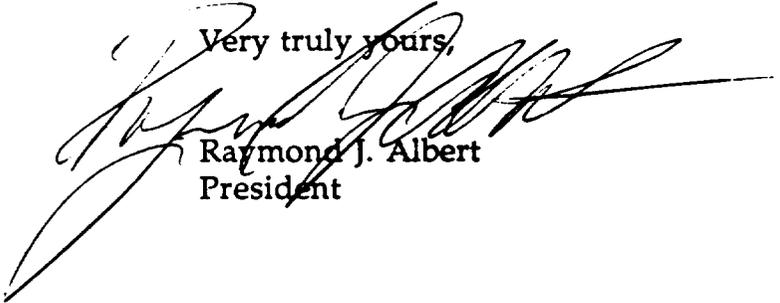
March 13, 1991

You are further advised that 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 (30) 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, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Raymond J. Albert  
President

RJA:jmb  
Enclosures:

CERTIFIED MAIL #P 569 363 807  
RETURN RECEIPT REQUESTED