

DEC - 7 1988

CONSENT AGREEMENT

BETWEEN

MARILYN R. MCCORKLE, M.D.

AND

THE STATE MEDICAL BOARD OF OHIO

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

MARILYN R. MCCORKLE, M.D., enters into this agreement being fully informed of her rights under Ohio Revised Code Chapter 119, 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 statements, admissions, and understandings:

1. THE STATE MEDICAL BOARD OF OHIO is empowered by Ohio Revised Code Section 4731.22(B) to limit, revoke, or suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for the inability 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.
2. MARILYN R. MCCORKLE, M.D., admits that she was, and is, unable 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. Evidence demonstrating her inability to practice medicine includes:

- a) information, impressions and diagnoses contained in the medical records of her hospitalization from February 3, 1987 until April 11, 1987, and the medical records of her treating psychiatrist.
- b) A psychological and psychiatric evaluation conducted and/or supervised by Howard H. Sokolov, M.D., on May 24, 1988. Thereafter, on July 26, 1988, Dr. Sokolov issued a report which stated in part that:

From the current psychiatric and psychological evaluation, it is my opinion that Dr. McCorkle continues to demonstrate symptoms of a Schizoaffective Disorder, now in partial remission on medication. While she does not demonstrate marked depression, euphoria or psychotic thinking at this time, she still continues to demonstrate fatigue, low self-confidence, memory deficits, and defects in her concentration and attention. These impairments seem extended in nature at this time. Because of these impairments, it is my opinion that she could not practice medicine according to acceptable and prevailing standards of care.

Dr. McCorkle is suffering the continued presence of mental illness symptoms as well as multiple physical conditions. She was a successful medical practitioner (sic) who is now disabled. She desires to continue her license to practice medicine, although she acknowledges she does not feel able to practice at this time. It is my opinion that her license needs to be placed in a suspended or inactive status at this time. It would be important that the action of the Medical Board be seen as in her best interest as well as in the interests of patients, in a nonpunitive fashion, continuing her hope for further emotional recovery. If, sometime in the future, her condition improves to the point where she considers herself able to practice, re-evaluation by the Medical Board could take place.

3. MARILYN R. MCCORKLE, M.D., admits that on or about November 21, 1986, her office was visited by Agent Bruce Koehn, R.E.N.U., and Investigator Patricia McMahan, State Medical Board of Ohio. At that time, it was noted that a number of drugs on the supply table in her examination room (Inventory attached to the September 9, 1987 citation letter) were outdated. MARILYN R. MCCORKLE, M.D., admitted at that time that these drugs were her current supply. MARILYN R. MCCORKLE, M.D., further admits that the conduct referred to in this paragraph violated Ohio Revised Code Sections 4731.22(B)(2), 4731.22(B)(6), and 4731.22(B)(12).
4. MARILYN R. MCCORKLE, M.D., has not been engaged in the active practice of medicine since February of 1987.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, MARILYN R. MCCORKLE, M.D. (hereinafter referred to as "DOCTOR MCCORKLE"), knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO (hereinafter referred to as "BOARD"), to the following probationary terms, conditions and limitations:

1. DOCTOR MCCORKLE'S certificate to practice medicine or surgery in the State of Ohio is hereby revoked. Such revocation is stayed and DOCTOR MCCORKLE'S certificate to practice medicine or surgery is hereby indefinitely suspended. This suspension shall be for a minimum of eighteen (18) months from the effective date of this CONSENT AGREEMENT;
2. DOCTOR MCCORKLE may apply for reinstatement of her certificate following the minimum eighteen (18) month suspension if and only if she has been evaluated by a psychiatrist who submits a report to the Board indicating that DOCTOR MCCORKLE does not suffer from any mental illness or physical illness which renders her unable to practice according to acceptable and prevailing standards of care. DOCTOR MCCORKLE shall arrange and pay for such evaluation;
3. The BOARD, upon receipt of an application for reinstatement, payment of all applicable fees, and receipt of the psychiatrist's report, as required under Paragraph 2 above, shall arrange for mental and/or physical examinations of DOCTOR MCCORKLE with a psychiatrist or other physician of its choice. The BOARD shall pay for such evaluation;

4. Upon completion of the evaluation required by Paragraph 3 above, the BOARD shall consider DOCTOR McCORKLE'S application for reinstatement;
5. DOCTOR McCORKLE shall immediately surrender her U.S. DEA certificate. If her certificate to practice medicine or surgery is reinstated, DOCTOR McCORKLE shall remain ineligible to prescribe, dispense or administer controlled substances without prior BOARD approval;
6. DOCTOR McCORKLE shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
7. If DOCTOR McCORKLE has not been engaged in the active practice of medicine for more than two years at the time the Board considers her application for reinstatement, the BOARD may require DOCTOR McCORKLE to demonstrate her fitness to resume practice by requiring her to pass an oral or written examination pursuant to Section 4731.222, O.R.C.

If, in the discretion of the Secretary of the BOARD, DOCTOR McCORKLE appears to have violated or breached any terms or conditions 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 violation 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, Ohio Revised Code Chapter 119. Further, any proposed denial of a request for licensure reinstatement made by DOCTOR McCORKLE pursuant to this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Ohio Revised Code Chapter 119.

DOCTOR McCORKLE hereby releases the BOARD, its members, employees, representatives, agents and officers, jointly and severally, individually and collectively, from any and all liability arising from the within matter. This release includes, but is not limited to, any claim for attorney fees under Ohio Revised Code Sections 119.092 and 2335.39.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Ohio Revised Code Section 149.43, and shall become effective upon the last date of signature below.

Marilyn R. McCorkle MD  
MARILYN R. MCCORKLE, M.D.

12/2/88  
DATE

Henry G. Cramblett  
HENRY G. CRAMBLETT, M.D.  
Secretary, State Medical Board  
of Ohio

12/12/88  
DATE

Jack C. Rubenstein  
JACK C. RUBENSTEIN, ESQ.  
Attorney for Marilyn R.  
McCorkle, M.D.

12-2-88  
DATE

John E. Rauch  
JOHN E. RAUCH, D.O.  
Supervising Member, State Medical  
Board of Ohio

12/21/88  
DATE

Chris J. Costantini  
CHRISTOPHER J. COSTANTINI, ESQ.  
Assistant Attorney General

12/7/88  
DATE

4927S

STATE OF OHIO  
THE STATE MEDICAL BOARD  
Suite 510  
65 South Front Street  
Columbus, Ohio 43215

September 9, 1987

Marilyn R. McCorkle, M.D.  
1423 Van Fleet Avenue  
Cincinnati, OH 45227

Dear Doctor McCorkle:

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.) You are unable 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. Evidence suggesting your inability to practice medicine includes: information, impressions and diagnoses contained in the medical records of your hospitalization from February 3, 1987 until April 11, 1987 and the medical records of your treating psychiatrist.

Pursuant to Section 4731.22(B)(19) of the Revised Code, the State Medical Board of Ohio may limit, revoke, suspend, refuse to register or reinstate a certificate or reprimand or place on probation the holder of a certificate for one or more of the above reasons.

- (2.) On or about November 21, 1986, your office was visited by Agent Bruce Koehn, R.E.N.U., and Investigator Patricia McMahan, State Medical Board of Ohio. At that time, it was noted that a number of drugs on the supply table in your examination room (Inventory attached) were outdated. You indicated that these drugs were your current supply.

The holding of such drugs for use in your practice, as alleged in the above Paragraph 2, constitutes "failure to use reasonable care discrimination in the administration of drugs," as that clause is used in Section 4731.22(B)(2), Ohio Revised Code.

Marilyn McCorkle, M.D.

September 9, 1987

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Further, such acts in the above paragraph (2), 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, such acts constitute "the commission of an act that constitutes a misdemeanor in this state regardless of the jurisdiction in which the act was committed", as that clause is used in Section 4731.22(B)(12) of the Ohio Revised Code, to wit: Section 3715.52(A) of the 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, that request must be made within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, 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 made 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,



Henry G. Cramblett, M.D.  
Secretary

HGC:jmb  
Encls.

CERTIFIED MAIL #P 026 074 657  
RETURN RECEIPT REQUESTED

Inventory of drugs removed from the current exam room of Dr. Marilyn R. McCorkle, 4848 Paddock Road, Cincinnati, Ohio, 45237.

Prometh-25	Partial 10 ml bottle	Expired 10/84
Methylol Aqueous	Partial 10 ml bottle	Expired 8/84
Vit-Hal	Partial 10 ml bottle	Expired 6/82
Pyrilgin Injectable	30 cc. vial full	Expired 2/67
Ortho-C 250	Partial 50 ml bottle	Expired 3/83
Protein and Iodide	Partial 30 ml bottle	Expired 5/75
Banflex	Partial 30mg/ml bottle	Expired 4/83
Chorionic Gonadotropin	1 full 10 ml and 1 partial	
Osteolate	2 partial bottles 30 ml	Expired 10/81
Arbon	2 partial bottles 30 ml	Expired 9/82
Testa-C	2 partial bottles 10 ml	Expired 4/83
Mersalyl-Theophylline	2 partial bottles 30 ml	Expired 1/83
Biamine	3 partial bottles 30 ml	Expired 6/82
Beesix	3 partial bottles 30 ml	Expired 3/82
Ipecac Syrup	1 fluid oz	Expired 8/84
Asminyl	4 full bottles 10 ml	Expired 1/84
Osteolate	2 full bottles 30 ml	Expired 10/81
Beesix	3 full bottles 30 ml	Expired 3/82
Coramine 25%	18 full vials 1.5 ml	Expired 1/86
Arbon	2 full bottles 30 ml	Expired 9/82
Aminophylline	24 full vials 20 ml	Expired 6/85
Pneumococcal Vaccine	1 partial vial 5 dose vial	Expired 2/86
Norazine	1 partial bottle 10 ml	Expired 1/82