

CONSENT AGREEMENT
BETWEEN
JOSEPH ORLANDO, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

This Consent Agreement is entered into by and between Joseph F. Orlando, M.D. (hereinafter Dr. Orlando) and the State Medical Board of Ohio (hereinafter the Board) a state agency charged with enforcing Chapters 4730 and 4731 of the Ohio Revised Code.

Dr. Orlando enters into this agreement being fully aware of his rights including his right to be advised by counsel, and his right to a hearing on the issues considered herein.

This agreement is entered into on the basis of the following statements, admissions, and understandings:

1. Dr. Orlando is licensed to practice medicine and surgery in the State of Ohio and is subject to all laws and rules of Ohio regulating the practice of medicine and surgery.
2. On or about August 15, 1985, the Board issued a Notice of Opportunity for a Hearing to Dr. Orlando.
3. This Notice of Opportunity for a Hearing included lists of controlled substances allegedly prescribed, administered, or dispensed by Dr. Orlando and confidential patient keys corresponding to those lists.
4. This Notice of Opportunity for a hearing contained allegations that Dr. Orlando had violated:
 - (a) Ohio Revised Code Section 4731.22 (B)(2), "failure to use reasonable care discrimination in the administration of drugs" and "failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease."
 - (b) Ohio Revised Code Section 4731.22 (B)(3), "selling, prescribing, giving away, or administering drugs for other than legal and legitimate purposes."
 - (c) Ohio Revised Code Section 4731.22 (B)(6), "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."
5. Dr. Orlando admits that he prescribed, administered, and/or dispensed the controlled substances listed in the August 15, 1985 Notice of Opportunity for a Hearing.
6. Dr. Orlando denies that his actions as described above constitute any wrongdoing or violation of law.
7. The Board makes no finding as to any wrongdoing or violation of law by Dr. Orlando.

WHEREFORE, in consideration of the foregoing and of the mutual promises set forth below, and in lieu of a formal adjudication order on the allegations contained in the Notice of Opportunity for a Hearing, Dr. Orlando and the Board agree to the following:

- A. Dr. Orlando agrees to surrender immediately his Federal Drug Enforcement Agency certificate to prescribe, administer, and/or dispense controlled substances. This surrender shall be made to a person designated by the Board.

Dr. Orlando agrees never to reapply for a Federal Drug Enforcement Agency certificate.

Dr. Orlando agrees to surrender permanently his license to practice medicine and surgery in the State of Ohio on or before April 1, 1986.

D. Following the date of surrender pursuant to paragraph C, Dr. Orlando agrees never to reapply for a license to practice medicine and surgery in the State of Ohio.

E. Between the effective date of this agreement and April 1, 1986, Dr. Orlando agrees not to apply to any other state or jurisdiction for a medical license based upon endorsement or reciprocity of his license to practice medicine and surgery in the State of Ohio.

F. Dr. Orlando and the Board agree that this Consent Agreement shall supersede the prior Consent Agreement between them, which took effect on January 18, 1985, and which related to a Notice of Opportunity for a Hearing issued to Dr. Orlando on or about February 8, 1984.

G. The provisions of paragraph A through F above shall be deemed to be "conditions of limitation placed by the Board upon a certificate to practice" within the meaning of Ohio Revised Code Section 4731.22 (B)(11).

If in the discretion of the Secretary and the Board's Supervising Member for this matter, Dr. Orlando appears to have violated or breached any of the provisions set forth in Paragraphs A through G above, the Board reserves the right to reinstitute formal disciplinary proceedings pursuant to Ohio Revised Code Chapters 4731 and 119 for those violations alleged in the Notices of Opportunity for a Hearing which were issued to Dr. Orlando on or about February 8, 1984 and August 15, 1985. In addition, the Board reserves the right to institute formal disciplinary proceedings pursuant to Ohio Revised Code Chapters 4731 and 119 for any alleged violations of Chapter 4731 occurring after August 15, 1985 and prior to the date on which Dr. Orlando permanently surrenders his license.

This Consent Agreement shall take effect when Dr. Orlando, his attorney, the Secretary of the Board, the Supervising Member and the Assistant Attorney General have signed it.

It is AGREED AND UNDERSTOOD by and between the parties that this CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

Joseph F. Orlando, M.D.
Joseph F. Orlando, M.D.

Dec 6, 1985
Date

William W. Johnston, Esq.
Attorney for
Joseph F. Orlando, M.D.

Dec 6, 1985
Date

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

10 Dec 85
Date

William W. Johnston, Esq.
William W. Johnston, Esq.
Supervising Member
State Medical Board of Ohio

9 Dec 85
Date

Lauren M. Ross
Lauren M. Ross
Assistant Attorney General
Representing the
State Medical Board of Ohio

9 December 1985

LL PL

State of Ohio
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43266-0315

August 15, 1985

Joseph F. Orlando, M. D.
2739 Navarre Avenue, #301
Oregon, Ohio 43616

Dear Doctor Orlando:

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 did prescribe, administer, or dispense (hereinafter, "prescribe") the Controlled Substances listed in the attached "Prescription List by Patient Number", on the dates and in the amounts indicated, to patients seen by you in your office, who are named in the attached "Patient Number Key" (Key to be withheld from public disclosure). Individual prescription, administration, and dispensing entries (hereinafter, "prescriptions") for which the amount entered is zero (0) indicate prescriptions for which the drug logs submitted by you on June 10, 1985, pursuant to your January 18, 1985 Consent Agreement with the State Medical Board, fail to state the amount prescribed. The total amounts of drugs prescribed to office patients, as reported in said drug logs, are set forth in the attached "Total Drug Amounts by Drug, Year, and Month".
2. You did prescribe or order the administration of the Controlled Substances listed in the attached "Nursing Home Calls", on the dates and in the amounts indicated, to the patients who are named in the attached "Patient Number Key - Nursing Home" (Key to be withheld from public disclosure).
3. You did administer or order the administration of the Controlled Substances listed in the attached "St. Charles Hospital - In Patients" on the dates and in the amounts indicated, to patients hospitalized under your care, who are named in the above-described patient number keys. Patients named in the "Patient Number Key - Nursing Home" are designated by an "N" preceding the number.

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Joseph F. Orlando, M. D.
August 15, 1985

Your acts in the above paragraphs (1), (2), and (3), individually and/or collectively constitute "failure to use reasonable care discrimination in the administration of drugs" and "failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease, as those clauses are used in Section 4731.22 (B)(2), Ohio Revised Code.

Further, such acts in the above paragraphs (1), (2), and (3), individually and/or collectively constitute "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes", as that clause is used in Section 4731.22 (B)(3), Ohio Revised Code.

Further, such acts in the above paragraphs (1), (2), and (3), 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.

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 all referenced statutes are enclosed.

Very truly yours,



Henry G. Cramblett, M. D.
Secretary

HGC:caa

enclosures

CERTIFIED MAIL NO. P. 569 361 804
RETURN RECEIPT REQUESTED

cc: Frank Pizza, Esquire

CERTIFIED MAIL NO. P 569 361 805
RETURN RECEIPT REQUESTED

CONSENT AGREEMENT
BETWEEN
JOSEPH F. ORLANDO, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

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This Consent Agreement is entered into by and between Joseph F. Orlando, M.D. and the State Medical Board of Ohio, a state agency charged with enforcing Chapters 4730 and 4731 of the Ohio Revised Code.

Joseph F. Orlando, M.D. enters into this agreement being fully aware of his rights including his right to be advised by counsel, and his right to a hearing on the issues considered herein.

This agreement is entered into on the basis of the following statements, admissions, and understandings:

1. Joseph F. Orlando, M.D. is licensed to practice medicine and surgery in the State of Ohio and is subject to all laws and rules of Ohio regulating the practice of medicine and surgery.
2. On February 8, 1984, the State Medical Board of Ohio issued a Notice of Opportunity for Hearing to Joseph F. Orlando, M.D., alleging certain violations of Chapter 4731 of the Ohio Revised Code and advising him of his right to request a formal adjudicatory hearing in the matter.
3. In lieu of a formal adjudication hearing, Joseph F. Orlando, M.D. and the State Medical Board of Ohio have agreed to enter into this Consent Agreement which the parties have determined to be in their mutual best interests.
4. Joseph F. Orlando, M.D. admits that he wrote the prescriptions for the controlled substances referred to in the citation letter of February 8, 1984 and listed in the "Prescription List by Patient Number" and "Total Drug Amounts by Drug, Year, and Month" which were attached to that letter.
5. Joseph F. Orlando denies that his conduct as described above constitutes any wrongdoing or violation of law.
6. The State Medical Board of Ohio makes no finding as to any wrongdoing or violation of law by Joseph F. Orlando, M.D.

WHEREFORE, in consideration of the foregoing and of the mutual promises set forth below, Joseph F. Orlando, M.D. and the State Medical Board of Ohio hereby consent and agree to the following terms and conditions of limitation upon Joseph F. Orlando's certificate to practice medicine and surgery in the State of Ohio:

- A. Joseph F. Orlando, M.D. does hereby agree that he will, as of the effective date of this agreement, discontinue the prescribing and/or administering of controlled substances listed in Schedules II and/or IIN, for a period of one year following said date.
- B. Joseph F. Orlando, M.D. does hereby agree to maintain a log reflecting all controlled substances prescribed, administered, or dispensed by him which log shall state the date, patient name, substance, quantity, and reason for prescribing, administering, or dispensing.

- C. Joseph F. Orlando, M.D. does hereby agree to submit said log to the State Medical Board of Ohio every three months for a period of three years, commencing with the effective date of this agreement.
- D. Joseph F. Orlando, M.D. does hereby agree to appear before the State Medical Board of Ohio, or any of its members or officers, to answer any questions relating to his prescribing, administering, or dispensing of controlled substances. Said appearances shall be required for a period of three years following the effective date of this agreement, shall be at the discretion of the Board, and shall occur not more frequently than every three months.
- E. Joseph F. Orlando's duty to comply with the terms and conditions of limitation listed in paragraphs A through E above shall expire three years from the effective date of this agreement.

If, in the discretion of the Secretary and the Supervising Board Member of THE STATE MEDICAL BOARD OF OHIO, JOSEPH F. ORLANDO, M.D. appears to have violated or breached any terms, limitations 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, those violations alleged in the February 8, 1984 letter from the Board to Joseph F. Orlando, M.D., and any other alleged violations of the laws of Ohio occurring before the effective date of this agreement.

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

The terms and conditions of this agreement shall take effect when all parties and their representatives have signed it.

IT IS AGREED AND UNDERSTOOD by and between the parties that this CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

Joseph F. Orlando
Joseph F. Orlando, M.D.

Jan. 18, 1985
Date

Frank P. Pysa
Attorney for Joseph F. Orlando, M.D.

January 18, 1985
Date

Joseph P. Yut
Joseph P. Yut, M.D.
Secretary, State Medical Board
of Ohio

1-9-85
Date

William Johnston
William Johnston
Supervising Board Member
State Medical Board of Ohio
9 Jan 1985

Lauren M. Ross
Lauren M. Ross
Assistant Attorney General
Representing the State Medical
Board of Ohio
1/19/85

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O.

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

February 8, 1984

Joseph F. Orlando, M.D.
2600 Navarre Avenue
Oregon, OH 43616

Dear Doctor Orlando:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine under the provisions of Section 4731.22, Ohio Revised Code, 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 did prescribe the Controlled Substances listed in the attached "Prescription List by Patient Number", on the dates and in the amounts indicated, to the patients who are named in the attached Patient Key (Key to be withheld from public disclosure).

As concerns each of the patients designated in the "Prescription List by Patient Number" by the appearance in the left-hand margin of a double asterisk (**), the above described acts, individually and/or collectively, constitute "failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease", as those clauses are used in Section 4731.22(B)(2), Ohio Revised Code.

Further, such acts concerning such (**) designated patients, individually and/or collectively, constitute "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes", as that clause is used in Section 4731.22(B)(3), Ohio Revised Code.

Further, such acts concerning such (**) designated patients, and the medical care rendered to such patients, 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.

2. During the years indicated you did prescribe the drugs designated in the attached listing of "Total Drug Amounts by Drug, Year, and Month", in the total dosage units per month and year indicated therein. Figures presented for substances distributed in liquid oral form indicate total ounces prescribed. Figures presented for substances distributed in injectible form indicate total number of vials, ampules, or other packaging units prescribed.

STATE OF OHIO
THE STATE MEDICAL BOARD

February 8, 1984

Joseph F. Orlando, M.D.
Page Two

Your prescribing of the amounts alleged in the above Paragraph (2) to the various persons listed in the previously mentioned "Prescription List by Patient Number" constitutes "failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease", as those clauses are used in Section 4731.22(B)(2), Ohio Revised Code.

Further, such prescribing constitutes "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes", as that clause is used in Section 4731.22(B)(3), Ohio Revised Code.

Further, such prescribing constitutes "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.

In accordance with Chapter 119., Ohio Revised Code, you are hereby advised that you have the right to a hearing in this matter. If you wish to request such hearing, such 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 there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board of Ohio 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.

A copy of Section 4731.22, Ohio Revised Code, is enclosed for your examination.

Very truly yours,

Leonard L. Lovshin M.D.

Leonard L. Lovshin, M.D.
President

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Enclosure

CERTIFIED MAIL NO. P 347 350 260
RETURN RECEIPT REQUESTED