

**CONSENT AGREEMENT  
BETWEEN  
SERAFIN T. ORTIZ, M.D.,  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between SERAFIN T. ORTIZ, M.D., and the STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Ohio Revised Code Chapter 4731.

SERAFIN T. ORTIZ, M.D., enters into this AGREEMENT being fully informed of his 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 stipulations, admissions and understandings:

- A. The STATE MEDICAL BOARD OF OHIO is empowered by Ohio Revised Code Section 4731.22(B) 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 violation of any of the enumerated subsections.
- B. The STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of further formal proceedings based upon the Notice of Opportunity for Hearing dated September 11, 1991, a copy of which is attached hereto as "Exhibit A" and incorporated herein, and expressly reserves the right to institute formal proceedings based upon any other violations of Ohio Revised Code Chapter 4731, whether occurring before or after the effective date of this AGREEMENT.
- C. SERAFIN T. ORTIZ, M.D., is licensed to practice medicine and surgery in the State of Ohio.
- D. SERAFIN T. ORTIZ, M.D., admits that his license to practice medicine and surgery in the state of

West Virginia was placed on probation pursuant to a Consent Order, as alleged in the Notice of Opportunity for Hearing dated September 11, 1991, a copy of which is attached hereto as "Exhibit A" and incorporated herein.

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

1. DR. ORTIZ'S certificate shall be subject to the following probationary terms, conditions, and limitations for a period of three (3) years to commence as of the effective date of this agreement:
  - a. DR. ORTIZ shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
  - b. DR. ORTIZ shall submit quarterly declarations under penalty of perjury stating whether or not there has been compliance with all the provisions of probation, a sample copy of which is attached hereto as "Exhibit B".
  - c. DR. ORTIZ shall appear in person for interviews before the full BOARD or its designated representative at six (6) month intervals, or as otherwise requested by the BOARD.
  - d. In the event that DR. ORTIZ should leave Ohio for three (3) consecutive months, or reside or practice outside the State, he must notify the STATE MEDICAL BOARD in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.
  - e. DR. ORTIZ shall be ineligible to reapply for or to hold registration with the United States Drug Enforcement Administration to prescribe, dispense, or administer controlled substances in

Schedule II without prior BOARD approval. DR. ORTIZ shall not seek such approval until he has successfully completed the coursework described in subparagraphs g. and h. below.

- f. DR. ORTIZ shall keep a log of all controlled substances prescribed, dispensed or administered, a sample copy of which is attached hereto as "Exhibit C". Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to his personal appearances before the BOARD or its designated representative or as otherwise directed by the BOARD.
- g. DR. ORTIZ shall attend at his expense the next available didactic and clinical sessions of the mini-residency entitled "The Proper Prescribing of Controlled Dangerous Substances," as offered by the University of Medicine and Dentistry of New Jersey, School of Osteopathic Medicine, or a similar course approved in advance by the Board. DR. ORTIZ shall provide acceptable documentation of successful completion of the course. This program shall be in addition to the Continuing Medical Education requirements contained in Chapter 4731, Ohio Revised Code.
- h. DR. ORTIZ shall within sixty (60) days of the effective date of this Agreement submit to the BOARD for its approval a program of eight (8) hours of approved Category I Continuing Medical Education in the subject area of record keeping. DR. ORTIZ agrees to complete this continuing education program within six (6) months of the effective date of this agreement. DR. ORTIZ further agrees to provide acceptable documentation of successful completion of this program to the BOARD. This program shall be in addition to the Continuing Medical Education requirements for relicensure.

DR. ORTIZ shall provide all employers and the Chief of Staff at each hospital where he has, applies for, or obtains privileges with a copy of this CONSENT AGREEMENT during the term of this AGREEMENT.

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of the STATE MEDICAL BOARD OF OHIO, DR. ORTIZ appears to have violated or breached any terms or conditions of this 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 AGREEMENT.

DR. ORTIZ acknowledges that he has had an opportunity to ask questions concerning the terms of this 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, Ohio Revised Code Chapter 119.

DR. ORTIZ 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 Ohio Revised Code Section 149.43, and shall become effective upon the last date of signature below.

Further, this information may be reported by the BOARD to appropriate organizations, data banks and governmental bodies.

*S. Ortiz*  
SERAFIN T. ORTIZ, M.D.

2/6/92  
DATE

*T. B. Smiles*  
TERRI-LYNNE B. SMILES, Esq.  
Attorney for Serafin T. Ortiz, M.D.

2/10/92  
DATE

THE STATE MEDICAL BOARD OF OHIO

By: *H. G. Cramblett*  
HENRY G. CRAMBLETT, M.D.  
Secretary

2/11/92  
DATE

By: *T. S. Jost*  
TIMOTHY S. JOST, Esq.  
Supervising Member

2/12/92  
DATE

*Susan C. Walker*  
SUSAN C. WALKER  
Assistant Attorney General

2/12/92  
DATE

2706



# **STATE MEDICAL BOARD OF OHIO**

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

September 11, 1991

Serafin T. Ortiz, M.D.  
3000 Guernsey Street  
Bellaire, OH 43906

Dear Doctor Ortiz:

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) On or about July 20, 1990, you entered into a Consent Order with the West Virginia Board of Medicine, in which your license to practice medicine was placed on probationary status for one (1) year, based upon your alleged prescribing of schedule II controlled substances to several patients, without maintaining adequate written records to justify the treatment. A copy of the Consent Order is attached hereto and fully incorporated herein.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively constitute "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Sections 4731.22(B)(2) and (B)(6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively constitute "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: 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, a violation of any provision of Rule 4731-11-02 also constitutes a violation of Sections 4731.22(B)(2) and (B)(6), Ohio Revised Code.

*Mailed 9/12/91*

September 11, 1991

Serafin T. Ortiz, M.D.  
Page 2

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.

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,



Henry G. Cramblett, M.D.  
Secretary

HGC:jmb  
Enclosures:

CERTIFIED MAIL #P 055 328 926  
RETURN RECEIPT REQUESTED

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

STATE MEDICAL BOARD  
91 JUL 26 AM 8:07

IN RE:

SERAFIN TINIO ORTIZ, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Serafin Tinio Ortiz, M.D., ("Ortiz") freely and voluntarily entered into the following Order pursuant to West Virginia Code §30-3-14(n):

FINDINGS OF FACT

1. Dr. Ortiz is currently the holder of a license to practice medicine in West Virginia, License No. 8562, and his address of record is in McMechen, West Virginia.
2. In May, 1990, the Board initiated a complaint against Dr. Ortiz because of his prescription of Schedule II controlled substances to several patients without maintaining written records adequate to justify the treatment.
3. Dr. Ortiz appeared for a discussion of the matter before the Complaint Committee of the Board in July, 1990.

### CONCLUSIONS OF LAW

1. Probable cause exists to file charges against Dr. Ortiz pursuant to the provisions of West Virginia Code §30-3-14(c)(11), failing to keep written records justifying the course of treatment of a patient, such records to include but not be limited to patient histories, examination and test results and treatment rendered, if any.

2. The Board has determined that it is appropriate to waive the commencement of proceeding against Dr. Ortiz and to proceed without the filing of charges or a formal complaint and notice of hearing provided limitations are placed upon his license to practice medicine in West Virginia.

### CONSENT

Serafin Tinio Ortiz, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order to the following:

1. Dr. Ortiz acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken

against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, et seq.;

2. Dr. Ortiz acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him;

3. Dr. Ortiz waives all rights to such a hearing;

4. Dr. Ortiz consents to the entry of this Order relative to his practice of medicine in the State of West Virginia; and,

5. Dr. Ortiz understands that this Order is considered public information.

#### ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law and on the basis of the consent of Dr. Ortiz, the West Virginia Board of Medicine hereby ORDERS that:

1. The license to practice medicine of Dr. Ortiz, License No. 8562, shall be placed in a probationary status for a one year period beginning August 1, 1990, and ending August 1, 1991.

2. Dr. Ortiz is hereby issued a PUBLIC REPRIMAND for prescribing Schedule II controlled substances to several patients without maintaining written records adequate to justify the treatment of such patients.

3. Dr. Ortiz shall pay a civil fine in the amount of \$1000.00 to the West Virginia Board of Medicine, the receipt of which is acknowledged by the signatures of the President and Secretary of the Board upon this Order.

4. During the first six (6) months that the medical license of Dr. Ortiz is in a probationary status, Dr. Ortiz shall do the following:

(a) Study thoroughly the American Medical Association Learning Module entitled Prescribing Controlled Drugs which module contains a half-hour video tape featuring problems encountered by prescribing practitioners, a program guide, a 105 page source book and a self-test for checking prescribing practices.

(b) Enroll in and successfully complete a Board approved course in rational drug therapy.

Failure of Dr. Ortiz to comply with the terms of this Consent Order, as determined by the Board, may constitute grounds for the Revocation of his medical license in West Virginia.

WEST VIRGINIA BOARD OF MEDICINE

S. Eileen Catterson, M.D.  
S. Eileen Catterson, M.D.  
President

Date: 7-30-90

Robert B. Walker, M.D.  
Robert B. Walker, M.D.  
Secretary

Date: July 30, 1990.

S. Ortiz  
Serafin Tinio Ortiz, M.D.  
Date: 7/20/90

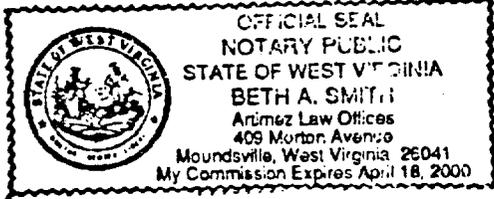
STATE OF West Virginia

COUNTY OF Marshall, to-wit:

I, Beth A. Smith, a Notary Public for said county and state do hereby certify that Serafin Tinio Ortiz, M.D., whose name is signed above, has this day acknowledged the same before me.

Given under my hand this 20th day of July, 1990.

My Commission expires April 20, 2000.



Beth A. Smith  
NOTARY PUBLIC

STATE MEDICAL BOARD  
91 JUL 26 AM 8:07