

**CONSENT AGREEMENT
BETWEEN
ROGER H. PRINCELL, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Roger H. Princell, M.D. [Dr. Princell], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Princell 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.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board 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 a violation of Section 4731.22(B)(2), Ohio Revised Code, “[f]ailure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;” Section 4731.22(B)(6), Ohio Revised Code, “[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;” and/or Section 4731.22(B)(20), Ohio Revised Code, “violating 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.”

- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(2), (B)(6) and (B)(20), Ohio Revised Code, to wit: Rules 4731-11-02, 4731-11-04, 4731-11-08, and 4731-21-02, Ohio Administrative Code, as set forth in Paragraph E, below. The Board 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. Dr. Princell is licensed to practice medicine and surgery in the State of Ohio, license number 35.026545.
- D. Dr. Princell states that he is not licensed to practice medicine and surgery in any other state or jurisdiction.
- E. Dr. Princell admits that, in the course of his practice, he has treated members of his family. Dr. Princell also admits that he has prescribed medications for these family members, including controlled substances. Additionally, Dr. Princell admits that, while he generally maintains patient records on those family members that he has treated as patients, he has not completed and maintained accurate records when he has treated these family members as patients in a small number of instances.

Dr. Princell further admits that, in the course of his practice while treating a few patients who are not family members, he has prescribed controlled substances and/or dangerous drugs, and although he has generally done so, in a small number of instances he did not note the reason for prescribing the controlled substance and/or dangerous drug.

Additionally, Dr. Princell admits that, in the course of his practice, while treating a few patients for weight loss, in a small number of instances he has not obtained the information required by Rule 4731-11-04, Ohio Administrative Code, and/or has prescribed controlled substances for weight loss for longer periods of time than allowed by administrative rule.

Dr. Princell also admits that, in the course of his practice while treating a few patients for intractable pain, he has not fully and completely complied with the requirements of Rule 4731-21-02, Ohio Administrative Code, in a small number of instances.

Dr. Princell states, and the Board acknowledges, that with the limited exceptions described above, Dr. Princell's patient records of the involved individuals, overall, demonstrated reasonable compliance with the applicable statutes and rules. However, Dr. Princell acknowledges that pursuant to the administrative rules governing such prescribing, non-conformance with all technical requirements of the rules constitutes a violation of the Medical Practices Act.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Dr. Princell knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

1. Roger H. Princell, M.D., is hereby REPRIMANDED.

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Further, Dr. Princell knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

2. Dr. Princell shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
3. Dr. Princell shall appear in person for an initial interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement and again upon any request for termination of this Consent Agreement, and/or as otherwise requested by the Board, except that subsequent personal appearances which would routinely occur every three months throughout the duration of the Consent Agreement shall be waived by the Board provided that Dr. Princell is otherwise in full compliance with this Consent Agreement. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall revert to being routinely required every three months and shall be scheduled based upon the appearance date as originally scheduled.
4. Dr. Princell shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
5. In the event Dr. Princell is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

Professional Prescribing Course

6. Before the end of the first six months of probation, or as otherwise approved by the Board, Dr. Princell shall provide acceptable documentation of successful completion of a course or courses dealing with the prescription of dangerous drugs and controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee.

In addition, at the time Dr. Princell submits the documentation of successful completion of the course or courses dealing with the prescribing of drugs, he also shall submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine and surgery in the future.

Acknowledgement of Rules

7. Dr. Princell acknowledges that he has received copies of the current versions of Rules 4731-11-01, 4731-11-02, 4731-11-04, 4731-11-08, 4731-21-01 and 4731-21-02, Ohio Administrative Code. Further, as a physician licensed to practice medicine and surgery in Ohio, Dr. Princell acknowledges that he is required to comply with all laws, statutes and rules that govern the practice of medicine and surgery in Ohio.

Required Reporting by Licensee

8. Within thirty days of the effective date of this Consent Agreement, Dr. Princell shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training, and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Princell shall promptly provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. In the event that Dr. Princell provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Princell shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Princell shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
9. Within thirty days of the effective date of this Consent Agreement, Dr. Princell shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Princell further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license. Further, Dr. Princell shall provide the Board with one of the following documents as proof of each required

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notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

10. Dr. Princell shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Princell appears to have violated or breached any term or condition 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 violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Princell has violated any term, condition or limitation of this Consent Agreement, Dr. Princell agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

The Reprimand of Dr. Princell shall not terminate. Dr. Princell shall not request termination of the probationary terms, limitations and conditions contained in this Consent Agreement for a minimum of one year. In addition, Dr. Princell shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

In the event that the Board initiates future formal proceedings against Dr. Princell, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

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ACKNOWLEDGMENTS/LIABILITY RELEASE

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

Dr. Princell hereby releases the Board, 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. Dr. Princell acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

EFFECTIVE DATE

It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.



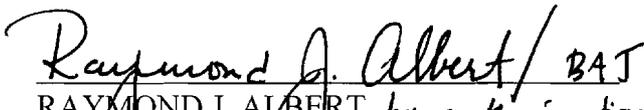
ROGER H. PRINCELL, M.D.

2-5-2010
DATE



LANCE A. TALMAGE, M.D. *by authorization*
Secretary

March 10, 2010
DATE



RAYMOND J. ALBERT *by authorization*
Supervising Member

March 10, 2010
DATE

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Cheryl D. Pokorny
CHERYL D. POKORNY
Enforcement Attorney

2/10/10
DATE