

**CONSENT AGREEMENT  
BETWEEN  
ADRIANO C. TRINIDAD, JR., M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between ADRIANO C. TRINIDAD, JR., M.D. and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

DOCTOR TRINIDAD voluntarily 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 contains the entire Consent Agreement between the parties, there being no other Consent Agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

**BASIS FOR ACTION**

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 of the enumerated violations.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of further formal proceedings based upon the violations of Section 4731.22, Ohio Revised Code set forth in the Notice of Opportunity for Hearing issued by the BOARD on January 12, 2000, attached hereto as Exhibit A and incorporated herein by this reference. The BOARD expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4731 of the Ohio Revised Code whether occurring before or after the effective date of this Consent Agreement.
- C. DOCTOR TRINIDAD is licensed to practice medicine and surgery in the State of Ohio.
- D. DOCTOR TRINIDAD ADMITS the factual and legal allegations set forth in the Notice of Opportunity for Hearing issued by the BOARD on

January 12, 2000, attached hereto as Exhibit A and incorporated herein by reference.

### **AGREED CONDITIONS**

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, DOCTOR TRINIDAD knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

#### **SUSPENSION OF CERTIFICATE**

- I. The certificate of DOCTOR TRINIDAD to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than one year. Such suspension shall become effective immediately upon the effective date of this Consent Agreement. In accordance with such suspension, DOCTOR TRINIDAD shall promptly surrender his current wallet registration card and wall certificate to the BOARD or its designee. Any period of suspension in effect prior to receipt by the BOARD or its designee of the current wallet registration card and wall certificate shall not apply toward the period of suspension specified by this Consent Agreement. Upon completion of the suspension period and reinstatement of DOCTOR TRINIDAD'S license, the wall certificate and a current wallet registration card will be promptly returned to DOCTOR TRINIDAD.

#### **CONDITIONS FOR REINSTATEMENT**

- II. The STATE MEDICAL BOARD shall not consider reinstatement of DOCTOR TRINIDAD'S certificate to practice unless and until all of the following minimum requirements are met:
  - A. DOCTOR TRINIDAD shall submit an application for reinstatement, accompanied by appropriate fees.
  - B. DOCTOR TRINIDAD shall complete a BOARD approved examination regarding the laws governing controlled substances.
  - C. In the event that DOCTOR TRINIDAD has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to reinstatement, the BOARD may exercise its discretion under Section 4731.22 of the Ohio Revised Code, to require additional evidence of DOCTOR TRINIDAD'S fitness to resume practice.

### PROBATIONARY CONDITIONS

III. Upon reinstatement, DOCTOR TRINIDAD'S certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for an indefinite period of time, but not less than five (5) years.

- A. DOCTOR TRINIDAD shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
- B. DOCTOR TRINIDAD 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 of DR. TRINIDAD'S reinstatement, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the BOARD'S offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the BOARD'S offices on or before the first day of every third month.
- C. DOCTOR TRINIDAD shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR TRINIDAD written notification of scheduled appearances, it is DOCTOR TRINIDAD'S responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR TRINIDAD shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance.

- D. In the event that DOCTOR TRINIDAD should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR TRINIDAD must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the Consent Agreement, unless otherwise

determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed.

- E. In the event DOCTOR TRINIDAD 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 periods of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

#### **Controlled Substance Prescribing Limitations**

- F. DOCTOR TRINIDAD shall keep a log of all controlled substances prescribed, personally furnished or administered. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR TRINIDAD'S personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD.
- G. DOCTOR TRINIDAD shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess any appetite suppressant that is a controlled substance as defined by State or Federal law or regulations.

#### **Monitoring Physician**

- H. Within thirty (30) days of the effective date of reinstatement of his certificate as set forth above, DOCTOR TRINIDAD shall submit for the BOARD'S prior approval the name of a monitoring physician, who shall review DOCTOR TRINIDAD'S patient charts and shall submit a written report of such review to the BOARD on a quarterly basis. In approving an individual to serve in this capacity, the BOARD will give preference to a physician who practices in the same locale as DOCTOR TRINIDAD and who is engaged in the same or a similar practice specialty. Such chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the BOARD. It shall be DOCTOR TRINIDAD'S responsibility to ensure that the monitoring physician's quarterly reports are submitted to the BOARD on a timely basis.

Further, the monitoring physician shall otherwise monitor DOCTOR TRINIDAD and provide the BOARD with quarterly reports on the Doctor's progress and status. DOCTOR TRINIDAD shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR TRINIDAD must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD

for another monitoring physician as soon as practicable. DOCTOR TRINIDAD shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore. All monitoring physician reports required under this paragraph must be received in the BOARD'S offices no later than the due date for DOCTOR TRINIDAD'S quarterly declaration. It is DOCTOR TRINIDAD'S responsibility to ensure that reports are timely submitted.

#### **REQUIRED REPORTING BY LICENSEE**

- IV. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR TRINIDAD shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR TRINIDAD shall 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.
- V. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR TRINIDAD shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. DOCTOR TRINIDAD further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, DOCTOR TRINIDAD shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

#### **FAILURE TO COMPLY**

- VI. DOCTOR TRINIDAD agrees that if any declaration or report required by this Consent Agreement is not received in the BOARD'S offices on or before its due date, DOCTOR TRINIDAD shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR TRINIDAD appears to have violated or breached any term or

condition 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.

If the Secretary and Supervising Member of the BOARD determine that there is clear and convincing evidence that DOCTOR TRINIDAD has violated any term, condition or limitation of this Consent Agreement, DOCTOR TRINIDAD 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 the purposes of initiating a summary suspension pursuant to Section 4731.22(D), Ohio Revised Code.

#### **DURATION/MODIFICATION OF TERMS**

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

Periods of time during which DOCTOR TRINIDAD'S certificate to practice medicine and surgery is inactive due to nonpayment of renewal fees will not apply to the reduction of the probationary time periods set forth in this Consent Agreement, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that the purposes of the probationary monitoring will be fulfilled.

#### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

DOCTOR TRINIDAD 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.

DOCTOR TRINIDAD 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.

#### **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

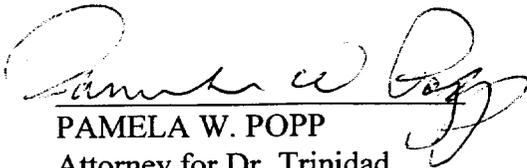
last date of signature below.

  
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DOCTOR TRINIDAD

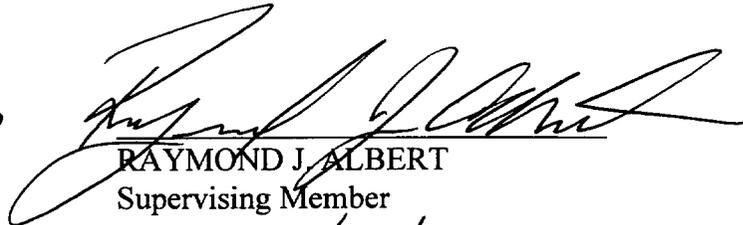
Apr 5/2000  
DATE

  
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ANAND G. GARG, M.D.  
Secretary

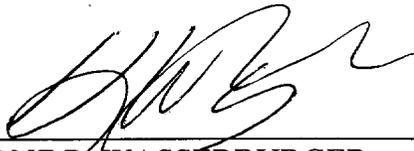
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DATE

  
\_\_\_\_\_  
PAMELA W. POPP  
Attorney for Dr. Trinidad

April 5/2000  
DATE

  
\_\_\_\_\_  
RAYMOND J. ALBERT  
Supervising Member

5/10/00  
DATE

  
\_\_\_\_\_  
HANZ R. WASSERBURGER  
Assistant Attorney General

5/10/00  
DATE



# State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0313 • 614/ 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

January 12, 1999

Adriano C. Trinidad, Jr., M.D.  
7114B Tippin Road  
Cincinnati, Ohio 43239

Dear Doctor Trinidad:

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, permanently 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 November 9, 1999, in the Hamilton County Municipal Court, Cincinnati, Ohio, you plead no contest to and were found guilty of one misdemeanor count of failure to maintain records of controlled substances in violation of Section 3719.07, Ohio Revised Code. You were fined two hundred and thirty seven dollars and an additional sixty three dollars in court costs.

The acts underlying this conviction are that you were unable to provide records of all controlled substances received, administered, dispensed and used other than by prescription.

Your plea of guilty or the judicial finding of guilt as alleged in paragraph (1) above, individually and/or collectively, constitute "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a misdemeanor committed in the course of practice," as that clause is used in Section 4731.22(B)(11), Ohio Revised Code.

Further, the acts underlying the judicial finding of guilt as alleged in paragraph (1) above, individually and/or collectively, constitute "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," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-11-02(E), Ohio Administrative 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, 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.

*Mailed 1/13/00*

Adriano C. Trinidad, M.D.

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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,

A handwritten signature in black ink, appearing to read "Anand G. Garg".

Anand G. Garg, M.D.  
Secretary

AGG/jag  
Enclosures

CERTIFIED MAIL # Z 233 896 556  
RETURN RECEIPT REQUESTED