

**STEP II
CONSENT AGREEMENT
BETWEEN
WILLIAM DENNY ROBERTSON, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Robertson 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 violation of Section 4731.22(B)(26), Ohio Revised Code, "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," and/or Section 4731.22(B)(5), Ohio Revised Code, "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued 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)(26) and (B)(5), Ohio Revised Code, as set forth in Paragraphs E and F of the June 2004 Step I Consent Agreement between Dr. Robertson and the Board, a copy of which is attached hereto and incorporated herein, and 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.

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- C. Dr. Robertson is applying for reinstatement of his license to practice medicine and surgery in the State of Ohio, License # 35-031038, which was suspended pursuant to the terms of the above-referenced June 2004 Step I Consent Agreement.
- D. Dr. Robertson states that he is not licensed to practice medicine and surgery in any other state or jurisdiction.
- E. Dr. Robertson admits that following a Board-ordered evaluation that commenced on June 1, 2004, at Glenbeigh Hospital [Glenbeigh], a Board-approved treatment provider in Rock Creek, Ohio, he was admitted to that facility on June 4, 2004, for residential treatment concerning his chemical dependence, and he successfully completed twenty-eight days of inpatient treatment for alcohol dependence and was discharged from Glenbeigh on June 29, 2004.

Dr. Robertson admits that, after completing inpatient treatment, he participated in the Continued Care Program at the Edwin Shaw Hospital for Rehabilitation [Edwin Shaw], a Board-approved treatment provider in Akron, Ohio. Dr. Robertson states, and the Board acknowledges receipt of information to support, that Dr. Robertson successfully completed Edwin Shaw's Continued Care Program on September 16, 2004, and that he now attends weekly aftercare group meetings run by St. Thomas Hospital, a Board-approved treatment provider in Akron, Ohio. Dr. Robertson further states, and the Board acknowledges receipt of information to support, that since being discharged from Glenbeigh, he has remained compliant with the aftercare contract he entered into with Glenbeigh on June 29, 2004, and the subsequent aftercare contract he entered with Glenbeigh on September 10, 2004, including attendance at and participation in three or more 12-step meetings per week, one of which may be a Caduceus meeting; attending one aftercare group meeting per week; receiving individual therapy under the care of Barnett D. Elman, Ph.D., L.L.C.; and submitting to random urine screens on a weekly basis. In addition, Dr. Robertson states, and the Board acknowledges receipt of information to support, that Dr. Robertson has remained compliant with the terms of the advocacy contract he entered into with the Ohio Physicians Effectiveness Program on August 10, 2004. Further, Dr. Robertson admits that the aforementioned advocacy and aftercare contracts remain in effect to date.

Dr. Robertson states, and the Board acknowledges, that C.J. Prusinski, D.O., of Glenbeigh, Michael Primc, M.D., of Glenbeigh, and Victoria L. Sanelli, M.D., of St. Thomas Medical Center Summa Health, a Board-approved treatment provider in Akron, Ohio, have each provided written reports indicating that Dr. Robertson's ability to practice has been assessed and that he has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring conditions are in place.

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Accordingly, Dr. Robertson states and the Board acknowledges receipt of information to support that Dr. Robertson has fulfilled the conditions for reinstatement of his certificate to practice medicine and surgery in the State of Ohio, as established in the above-referenced June Step I Consent Agreement between Dr. Robertson and the Board.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, the certificate of Dr. Robertson to practice medicine and surgery in the State of Ohio shall be reinstated, and Dr. Robertson knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

1. Dr. Robertson shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Robertson shall submit quarterly declarations under penalty of Board disciplinary action and/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 date his quarterly declaration would have been due pursuant to his June 2004, Step I Consent Agreement with the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Robertson shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place on the date his appearance would have been scheduled pursuant to his June 2004 Step I Consent Agreement with the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested 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.
4. Dr. Robertson shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
5. In the event Dr. Robertson 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.

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MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. Dr. Robertson shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, thirty days prior to Dr. Robertson's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Robertson shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
7. Dr. Robertson shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Robertson to administer or personally furnish controlled substances, Dr. Robertson shall keep a log of all controlled substances prescribed, administered or personally furnished. Such log shall be submitted in the format approved by the Board thirty days prior to Dr. Robertson's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Robertson shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board upon request.

Sobriety

8. Dr. Robertson shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Robertson's history of chemical dependency.
9. Dr. Robertson shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Supervising Physician

10. Dr. Robertson shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Robertson shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Dr. Robertson shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Within thirty days of the effective date of this Consent Agreement, Dr. Robertson shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Dr. Robertson shall submit the required urine

specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Robertson. Dr. Robertson and the supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Robertson shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Robertson must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Robertson shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

All screening reports and supervising physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Robertson's quarterly declaration. It is Dr. Robertson's responsibility to ensure that reports are timely submitted.

11. The Board retains the right to require, and Dr. Robertson agrees to submit, blood, saliva, and/or urine specimens for analysis at Dr. Robertson's expense upon the Board's request and without prior notice. Dr. Robertson's refusal to submit a blood, saliva, and/or urine specimen upon request of the Board shall result in a minimum of one year of actual license suspension.

Monitoring Physician

12. Before engaging in any medical practice, Dr. Robertson shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Robertson and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Robertson and his medical practice, and shall review Dr. Robertson's patient charts. The chart review may be done on a

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random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Robertson and his medical practice, and on the review of Dr. Robertson's patient charts. Dr. Robertson shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Robertson's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Robertson must immediately so notify the Board in writing. In addition, Dr. Robertson shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Robertson shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Rehabilitation Program

13. Within thirty days of the effective date of this Consent Agreement, Dr. Robertson shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Robertson shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Robertson's quarterly declarations.

Physician Health Program/Aftercare

14. Dr. Robertson shall maintain continued compliance with the terms of the agreement entered into with the Ohio Physicians Effectiveness Program, or, if approved in advance by the Board, another physician health program, provided that, where the terms of the advocacy contract conflict with the terms of this Consent Agreement, the terms of this Consent Agreement shall control.
15. Dr. Robertson shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, provided that, where terms of the aftercare contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Releases

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16. Dr. Robertson shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.

Required Reporting by Licensee

17. Within thirty days of the effective date of this Consent Agreement, Dr. Robertson 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, Dr. Robertson 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.
18. Within thirty days of the effective date of this Consent Agreement, Dr. Robertson 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. Dr. Robertson 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 for reinstatement of any professional license. Further, Dr. Robertson shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
19. Dr. Robertson shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Robertson chemical dependency treatment or monitoring.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Robertson 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. Robertson has violated any term, condition or limitation of this Consent Agreement, Dr. Robertson 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.

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DURATION/MODIFICATION OF TERMS

Dr. Robertson shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Robertson 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.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Robertson 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.

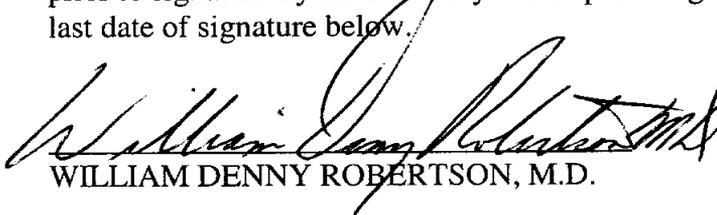
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

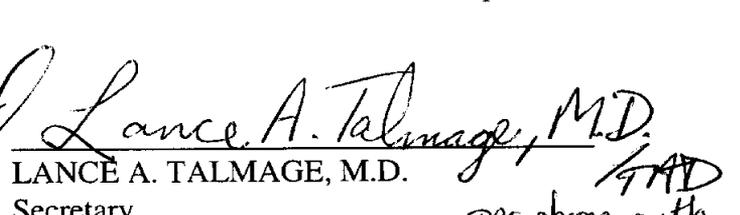
Dr. Robertson hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

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. Robertson 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.


WILLIAM DENNY ROBERTSON, M.D.


LANCE A. TALMAGE, M.D.
Secretary *GAD per phone auth.*

11/1/04
DATE

11/22/04
DATE

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Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member *JAD*
per phone authorization

11/12/04
DATE

Mark R. Blackmer
MARK R. BLACKMER
Enforcement Attorney

November 5, 2004
DATE

**STEP I
CONSENT AGREEMENT
BETWEEN
WILLIAM DENNY ROBERTSON, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO**

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JUN 9 2004

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

Dr. Robertson 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 violation of Section 4731.22(B)(26), Ohio Revised Code, "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," and/or Section 4731.22(B)(5), Ohio Revised Code, "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraph E below, and Section 4731.22(B)(5), Ohio Revised Code, as set forth in Paragraph F below, and 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 Agreement.
- C. Dr. Robertson is licensed to practice medicine and surgery in the State of Ohio, License # 35-031038.

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- D. Dr. Robertson states that he is not licensed to practice medicine and surgery in any other states.
- E. Dr. Robertson admits that on or about June 1, 2004, pursuant to a Board order, he entered Glenbeigh Hospital, a Board-approved treatment provider in Rock Creek, Ohio, for the purpose of undergoing a three-day inpatient evaluation for determining whether he is in violation of Section 4731.22(B)(26), Ohio Revised Code. Dr. Robertson further admits that this evaluation order was based in part on his having been found guilty, in 2001 and 2002, in Medina, Ohio, of charges of driving under the influence, which he disclosed to the Board in conjunction with his applications for renewal of his medical license, and further admits that these two offenses were misdemeanors and were related to his use of alcohol.

Dr. Robertson further admits that, as a result of this evaluation, he was diagnosed with chemical dependence and found to be impaired in his ability to practice according to acceptable and prevailing standards of care due to the habitual or excessive use of alcohol. Dr. Robertson further admits that inpatient or residential treatment was recommended; that he entered residential treatment on or about June 4, 2004, at Glenbeigh Hospital; and that such treatment remains ongoing at this time. Dr. Robertson further admits that his drug of choice is alcohol.

- F. Dr. Robertson admits that in or around December 2003 in completing his application for renewal of his medical license, he answered "YES" to Question 1, which asks: "At any time since signing your last application for renewal of your certificate [, h]ave you been found guilty of, or pled guilty or no contest to, or received treatment or intervention in lieu of conviction of, a misdemeanor or felony?" Dr. Robertson further admits that in a letter dated on or about December 21, 2003, explaining his affirmative response to Question 1, he disclosed his 2002 DUI conviction, but failed to disclose that he had, since signing his last application for renewal, also pled no contest to and been found guilty of Reckless Operation of Vehicle, in violation of Section 4511.20, Ohio Revised Code, which is a minor misdemeanor. Dr. Robertson further admits that he was found guilty of this minor misdemeanor in or around September 2003, and it related to his operation of a bicycle and use of alcohol.

In addition, Dr. Robertson admits that in or around December 2003 in completing his application for renewal of his medical license, he falsely proved a negative answer to Question 2, which asks: "At any time since signing your last application for renewal of your certificate [, h]ave you ever been addicted to or dependent upon alcohol or any chemical substance; or been treated for, or been diagnosed as suffering from, drug or alcohol dependency or abuse? **You may answer "NO" to this question** if you have successfully completed treatment at, or are currently enrolled in, a program approved by this Board and have adhered to all statutory requirements during and subsequent to treatment. ..." (Emphasis in original.) In fact, Dr. Robertson admits that he had, since signing his last application for renewal, been diagnosed with "alcohol

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dependency" in or around July 2002. While he had successfully completed treatment at the Oriana House, a chemical dependency treatment center in Akron, Ohio, Dr. Robertson further admits the program had not been approved by the Board, and he was not currently enrolled in a Board approved program.

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. Robertson knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Robertson to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than 90 days.

Sobriety

2. Dr. Robertson shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Robertson's history of chemical dependency.
3. Dr. Robertson shall abstain completely from the use of alcohol.

Releases: Quarterly Declarations and Appearances

4. Dr. Robertson shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Robertson's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Robertson further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.
5. Dr. Robertson shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be

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received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective, provided that if the effective date is on or after the sixteenth 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.

6. Dr. Robertson shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested 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.

Drug & Alcohol Screens; Supervising Physician

7. Dr. Robertson shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Robertson shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Dr. Robertson shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Within thirty days of the effective date of this Consent Agreement, Dr. Robertson shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Robertson shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Robertson. Dr. Robertson and the supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Robertson shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Robertson must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as

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practicable. Dr. Robertson shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

All screening reports and supervising physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Robertson's quarterly declaration. It is Dr. Robertson's responsibility to ensure that reports are timely submitted.

Rehabilitation Program

8. Within thirty days of the effective date of this Consent Agreement, Dr. Robertson shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Robertson shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Robertson's quarterly declarations.

CONDITIONS FOR REINSTATEMENT

9. The Board shall not consider reinstatement of Dr. Robertson's certificate to practice medicine and surgery until all of the following conditions are met:
- a. Dr. Robertson shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Robertson shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his/her certificate. Such demonstration shall include but shall not be limited to the following:
 - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Robertson has successfully completed any required inpatient treatment.
 - ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
 - iii. Evidence of continuing full compliance with this Consent Agreement.

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- iv. Two written reports indicating that Dr. Robertson's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Robertson. Prior to the assessments, Dr. Robertson shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Robertson, and any conditions, restrictions, or limitations that should be imposed on Dr. Robertson's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement.

- c. Dr. Robertson shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Robertson are unable to agree on the terms of a written Consent Agreement, then Dr. Robertson further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

Further, upon reinstatement of Dr. Robertson's certificate to practice medicine and surgery in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code. Moreover, upon termination of the consent agreement or Board Order, Dr. Robertson shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Robertson has maintained sobriety.

10. In the event that Dr. Robertson has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Robertson's fitness to resume practice.

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REQUIRED REPORTING BY LICENSEE

11. Within thirty days of the effective date of this Consent Agreement, Dr. Robertson 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. Dr. Robertson 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, Dr. Robertson shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
12. Within thirty days of the effective date of this Consent Agreement, Dr. Robertson 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, Dr. Robertson 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.

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

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Robertson 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.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Robertson 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. Robertson hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

STEP I CONSENT AGREEMENT
WILLIAM DENNY ROBERTSON, M.D.
PAGE 8

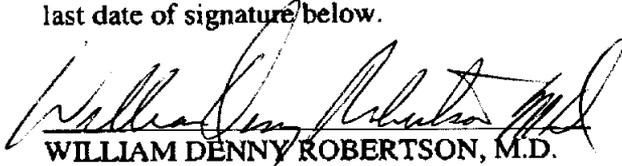
OHIO STATE MEDICAL BOARD

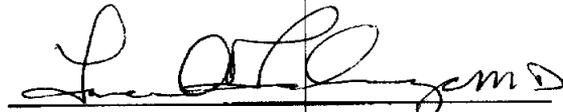
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This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Robertson acknowledges 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.


WILLIAM DENNY ROBERTSON, M.D.

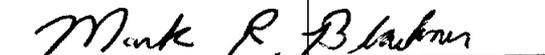

LANCE A. TALMAGE, M.D.
Secretary

6/8/04
DATE

6-9-04
DATE


RAYMOND J. ALBERT
Supervising Member

6/9/04
DATE


MARK R. BLACKMER
Enforcement Attorney

June 9, 2004
DATE