

**CONSENT AGREEMENT  
BETWEEN  
MERRILL F. WYMER, JR., M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

THIS CONSENT AGREEMENT is entered into by and between MERRILL F. WYMER, JR., M.D. and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

MERRILL F. WYMER, JR., M.D. enters into this Agreement being full 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 is entered into on the basis of the following stipulations, admissions and understandings:

1. 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 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.
2. THE STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B) 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.
3. MERRILL F. WYMER, JR., M.D. is licensed to practice medicine and surgery in the State of Ohio.
4. MERRILL F. WYMER, JR., M.D. entered into a Consent Order dated July 30, 1987 with the West Virginia Board of Medicine due to his chemical dependency.
5. MERRILL F. WYMER, JR., M.D., ADMITS that he entered and underwent treatment for his chemical dependency at the Hazelton Foundation in Minnesota during May and June, 1987.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, MERRILL F. WYMER, JR., M.D. knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD) to the following probationary terms, conditions and limitations:

1. DOCTOR WYMER shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
2. DOCTOR WYMER shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another person so authorized by law, who has full knowledge of his history of chemical dependency.
3. DOCTOR WYMER shall abstain completely from the use of alcohol.
4. DOCTOR WYMER AGREES to abide by all terms and conditions of his Consent Order with the West Virginia State Board of Medicine during the tenure of this Agreement, as attached herewith and incorporated herein.

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5. In addition, DOCTOR WYMER AGREES that he shall also abide with the following terms and conditions regarding his practice in Ohio:
  - a. DOCTOR WYMER shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of this Consent Agreement.
  - b. DOCTOR WYMER shall appear in person for interview before the full BOARD or its designated representative at three (3) month intervals, or as otherwise requested by the BOARD.
  - c. Within 30 days of the effective date of this Consent Agreement, DOCTOR WYMER shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, acceptable to the BOARD no less than two hundred (200) times a year. In the quarterly reports to the BOARD, DOCTOR WYMER shall provide documentary evidence of continuing compliance with this program.
  - d. DOCTOR WYMER shall have a supervising physician, approved by the BOARD, who shall monitor him and provide the BOARD with reports on the doctor's progress and status. DOCTOR WYMER is to ensure that said reports are forwarded to the BOARD on a quarterly basis. In the event that the designated supervising physician becomes unable or unwilling to serve as the supervising physician, DOCTOR WYMER must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable.
  - e. DOCTOR WYMER shall submit weekly urine specimens for random urine screenings for drugs to a physician to be approved by the BOARD. Such screenings shall be conducted weekly on a random basis, or as otherwise determined by the BOARD. DOCTOR WYMER shall ensure that the weekly screening reports are forwarded directly to the BOARD on a monthly basis. The BOARD retains the right to require DOCTOR WYMER to submit blood or urine specimens for analysis without prior notice.
  - f. DOCTOR WYMER shall immediately surrender his United States Drug Enforcement Administration Certificate. He shall be ineligible to hold, shall not reapply for registration with DEA to prescribe, dispense, or administer controlled substances without prior BOARD approval.
  - g. DOCTOR WYMER shall provide all employers and the Chief of Staff at each hospital where he has or obtains privileges with a copy of this Consent Agreement.

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this Agreement shall remain in force for a minimum of five (5) years prior to any request for termination of said Agreement.

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If, in the discretion of the Secretary of THE STATE MEDICAL BOARD OF OHIO, DOCTOR WYMER 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.

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.

MERRILL F. WYMER, JR., M.D. 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.

The terms and conditions of this Agreement shall become effective immediately upon the last date of signature below.

Merrill F. Wymer, Jr., M.D.  
MERRILL F. WYMER, JR., M.D.

12 December 1988

DATE

Henry G. Cramblett  
HENRY G. CRAMBLETT, M.D.  
Secretary

12/16/88

DATE

John E. Rauch  
JOHN E. RAUCH, D.O.  
Supervising Member

12/21/88

DATE

Christopher M. Culley  
CHRISTOPHER M. CULLEY, Esquire  
Assistant Attorney General

12-22-88

DATE

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

APR 11 1988 P2:57

IN RE:

MERRILL F. WYMER, JR., M.D.

CONSENT ORDER

The West Virginia Board of Medicine and Merrill F. Wymer, Jr., M.D., freely and voluntarily enter into the following order pursuant to West Virginia Code §30-3-14(n):

FINDINGS OF FACT

1. Dr. Wymer is currently the holder of a license to practice medicine and surgery in West Virginia and practices medicine in Wheeling, West Virginia.
2. The Board of Medicine received information from Dr. Wymer in June of 1987 that he had undergone treatment for a chemical dependency at the Hazelton Foundation in Minnesota during May and June, 1987.
3. Dr. Wymer appeared before the Licensure Committee in June, 1987, at the invitation of the Committee and expressed a willingness to enter into a consent arrangement regarding his treatment for chemical dependency.

CONCLUSIONS OF LAW

The Board finds as follows:

1. Probable cause exists to substantiate charges of disqualification from the practice of medicine due to a violation of West Virginia Code §30-3-14(c)(21), "the inability to practice medicine and surgery . . . with reasonable skill and safety due to . . . abuse of drugs . . .".

2. The Board has determined that it is appropriate to waive the commencement of proceedings against Dr. Wymer, provided limitations are placed upon his license to practice medicine and surgery in West Virginia.

CONSENT

Merrill F. Wymer, Jr., 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. Wymer 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. Wymer 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. Wymer waives all such rights to a hearing;

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

5. Dr. Wymer 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. Wymer, the West Virginia Board of Medicine hereby ORDERS that Dr. Wymer's license is placed in a probationary status effective immediately for a two (2) year period under the following conditions:

1. Dr. Wymer's practice of medicine and surgery shall occur only with the supervision of another duly licensed physician approved by the Board, which supervising physician shall be a physician experienced in recovery medicine; and that such supervising physician shall meet regularly with Dr. Wymer.

2. Dr. Wymer's approved supervising physician shall submit reports to the Board concerning his performance as a physician every sixty (60) days, except, should the performance of Dr. Wymer at any time fall below the level of reasonable skill and safety, the approved supervising physician shall immediately notify the Board.

3. Dr. Wymer shall refrain from the use of any controlled substances except for those specifically prescribed to him by another duly licensed physician.

4. Dr. Wymer shall attend at least three hundred (300) meetings of Alcoholics Anonymous annually and shall keep a log of his attendance for the two (2) years that this Order is in effect, which log shall be reviewed periodically by his supervising physician and may be reviewed at the pleasure of the Board.

5. Dr. Wymer shall seek and maintain a sponsor in Alcoholics Anonymous who will be permitted to review his log and who will discuss his progress at least on a weekly basis and who will consent and agree to be available to review periodically Dr. Wymer's progress with his supervising physician. A reasonable time will be allowed for any change of sponsor, if necessary.

6. Dr. Wymer shall submit to random and unannounced testing of bodily fluids four (4) times annually.

7. Upon entering into this agreement, Dr. Wymer shall provide a copy of this Consent Order to his supervising physician, his Alcoholics Anonymous sponsor, and to any health care facility where he is employed or enjoys staff privileges.

8. At the option of either Dr. Wymer or the Board, this consent agreement or a modified version thereof may be again entered into by the parties at the end of two years.

Failure of Dr. Wymer to comply with the terms of this Order may constitute grounds for the revocation of his medical license in West Virginia.

WEST VIRGINIA BOARD  
OF MEDICINE

S. Eileen Catterson MD

S. EILEEN CATTERSON, M.D.  
President, Board of Medicine

Date: July 30, 1987

David K. Heydinger MD

DAVID K. HEYDINGER, M.D.  
Secretary, Board of Medicine

Date: July 30, 1987

Merrill F. Wymer  
Merrill F. Wymer, Jr., M.D.

Date: 29 July 1987

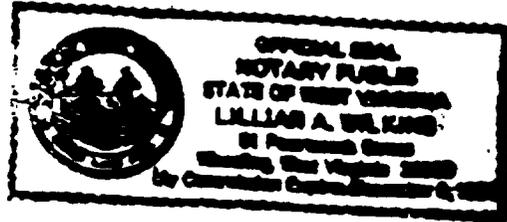
STATE OF WEST VIRGINIA,  
COUNTY OF Ohio, to-wit:

I, Lillian A. Wilkins, a Notary Public  
for said county and state do hereby certify that Merrill F.  
Wymer, Jr., M.D., whose name is signed above, has this day  
acknowledge the same before me.

Given under my hand this 29<sup>th</sup> day of July,  
1987.

My commission expires December 8, 1994.

Lillian A. Wilkins  
NOTARY PUBLIC





Mrs. Cleone Blankenship  
Matoaka

Rev. Richard Bowyer  
Fairmont

Thomas S. Clark, M.D.  
Morgantown

L. Walter Fix, M.D.  
Martinsburg

Tom Harward, P.A.-C.  
Belington

Jesus Tan Ho, M.D.  
Moundsville

# State of West Virginia

WEST VIRGINIA BOARD OF MEDICINE  
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(304) 348-2921

Danny L. Johnson, D.P.M.  
Charleston

John J. Mahood, M.D.  
Bluefield

Joseph Skaggs, M.D.  
Charleston

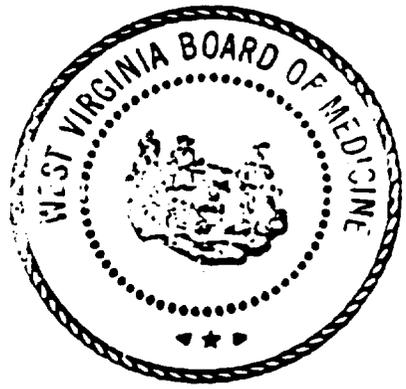
Mrs. Sylvia Spear  
Martinsburg

Harry S. Weeks, Jr., M.D.  
Wheeling

A. A. Yurko, Jr., M.D.  
Weirton

## C E R T I F I C A T I O N

I DO HEREBY CERTIFY that the attached document in the matter of Merrill F. Wymer, Jr., M.D., is a true and accurate copy of the original document as maintained by the West Virginia Board of Medicine: (1) Consent Order dated July 30, 1987.



RONALD D. WALTON  
Executive Director  
West Virginia Board of Medicine

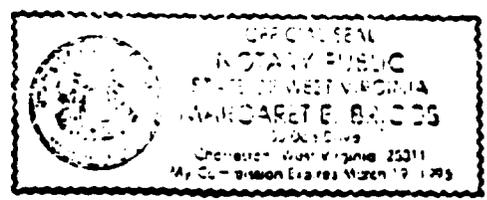
STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA

88  
APR 11 1988  
11:57

The foregoing instrument was acknowledged before me this 4th day of April, 1988, by RONALD D. WALTON, Executive Director, West Virginia Board of Medicine.

My commission expires March 19, 1996.

MARGARET E. BRIGGS  
Notary Public



PRESIDENT  
S. Eileen Catterson, M.D.  
Rhode Island

VICE PRESIDENT  
Leonard Simmons, D.P.M.  
Clarksburg

SECRETARY  
David K. Heydinger, M.D.  
Charleston

COUNSEL  
Deborah Lewis Rodecker  
Charleston

EXECUTIVE DIRECTOR  
Ronald D. Walton  
Charleston