

CONSENT AGREEMENT

RECEIVED
OHIO STATE
MEDICAL BOARD

BETWEEN

JEROME C. SPIEGEL, M.D.

'88 APR -7 10:56

AND

THE STATE MEDICAL BOARD OF OHIO

This CONSENT AGREEMENT is entered into by and between JEROME C. SPIEGEL, M.D. and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731, Ohio Revised Code.

JEROME C. SPIEGEL, M.D. enters into this 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 adjudication hearing on the issues considered herein.

This CONSENT AGREEMENT is entered into on the basis of the following statements, admissions, and understandings:

1. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B) to limit, revoke, or suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for the inability to practice according to acceptable and prevailing standards of care by reason of excessive use of alcohol or excessive use of controlled substances, drugs, or chemicals;
2. JEROME C. SPIEGEL, M.D., admits that from December 1, 1986 through February 28, 1987, he suffered from an "inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but limited to, physical deterioration that adversely affects cognitive, motor or perceptive skills" as that clause is used in Section 4731.22(B)(19), Ohio Revised Code; and/or "impairment or 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," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code, to wit:

JEROME C. SPIEGEL, M.D. was administratively discharged from the Ridgeview Institute Treatment Program prior to his admission to the Shepherd Hill Hospital treatment program.

On or about January 5, 1987, JEROME C. SPIEGEL, M.D., was admitted to the Shepherd Hill Hospital treatment program. He was administratively discharged from Phase II of the Program for failure to comply with contractual restrictions.

On or about February 24, 1987 and again on April 20, 1987, JEROME C. SPIEGEL, M.D. entered into Aftercare Agreements with the St. Elizabeth Medical Center Impaired Physicians Program.

The urine specimen of JEROME C. SPIEGEL, M.D. given on or about April 20, 1987, tested positive for cocaine metabolites.

On or about April 28, 1987, St. Elizabeth Medical Center revoked all hospital privileges maintained by JEROME C. SPIEGEL, M.D.

Subsequent to April 20, 1987, JEROME C. SPIEGEL, M.D. completed a 10-week out-patient treatment program at the Samaritan Hall Drug and Alcohol Treatment Program and pursuant to a contract with the St. Elizabeth Medical Center Impaired Physicians Program submitted to a one (1) year aftercare treatment by Dan Thomas, M.D., a psychiatrist specializing in chemical dependency at Dartmouth Hospital, Dayton, Ohio.

On or about June 30, 1987, JEROME S. SPIEGEL, M.D. was allowed to RESUME surgical practice at the St. Elizabeth Medical Center provided that he submit three (3) urine screens per week and that he sign a contract with the St. Elizabeth Medical Center Impaired Physicians Program.

On or about June 30, 1987, JEROME C. SPIEGEL signed an Aftercare Agreement with the St. Elizabeth Medical Center Impaired Physicians Program and his hospital privileges at the St. Elizabeth Medical Center were reinstated.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, JEROME C. SPIEGEL, 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 SPIEGEL shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. DOCTOR SPIEGEL shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of this Consent Agreement;
3. DOCTOR SPIEGEL shall appear in person for interviews before the full BOARD or its designated representative at three month intervals, or as otherwise requested by the BOARD;
4. In the event that DOCTOR SPIEGEL should leave Ohio for three continuous months, or reside or practice outside the State, DOCTOR SPIEGEL 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;
5. DOCTOR SPIEGEL shall immediately surrender his United States Drug Enforcement Administration (hereinafter "D.E.A.") Certificate. He shall be ineligible to hold registration with D.E.A. to prescribe, dispense, administer or possess controlled substances. DOCTOR SPIEGEL shall be allowed to reapply for his D.E.A. Certificate provided that: (1) six (6) months have elapsed since the effective date of this Consent Agreement and (2) DOCTOR SPIEGEL has not violated any terms of this Consent Agreement.

6. In the event that DOCTOR SPIEGEL should again acquire his D.E.A. certificate under the terms of paragraph five (5), above, DOCTOR SPIEGEL shall keep a log of all controlled substances prescribed, dispensed, or administered. Such log shall be submitted in the format approved by the Board thirty (30) days prior to DOCTOR SPIEGEL's personal appearances before the BOARD or its designated representative, or as otherwise directed by the BOARD;
6. DOCTOR SPIEGEL 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 DOCTOR SPIEGEL's history of chemical dependency;
7. DOCTOR SPIEGEL shall abstain completely from the use of alcohol;
8. DOCTOR SPIEGEL shall submit at least three (3) random urine specimens per week for random urine screenings for drugs, including cocaine and cocaine metabolites. Such screenings shall be conducted weekly on a random basis, or as otherwise determined by the BOARD. DOCTOR SPIEGEL shall ensure that all screening reports are forwarded directly to the BOARD on a monthly basis.
9. DOCTOR SPIEGEL shall submit the required urine specimens to a supervising physician to be approved by the BOARD. The supervising physician shall ensure that the urine specimens are selected for screening on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over all specimens is maintained. In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR SPIEGEL must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable.
10. The BOARD retains the right to require, and DOCTOR SPIEGEL agrees to submit, blood or urine specimens for analysis upon request and without prior notice.

11. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR SPIEGEL 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 three (3) times per week. At his appearances before the BOARD or its designated representative, DOCTOR SPIEGEL shall submit documentary evidence of continuing compliance with this program.
12. DOCTOR SPIEGEL shall have a physician, approved by the BOARD, who shall monitor him and provide the BOARD with reports on the doctor's progress and status. DOCTOR SPIEGEL is to ensure that said reports are forwarded to the BOARD on a quarterly basis. In the event that the designated physician becomes unable or unwilling to serve in this capacity, DOCTOR SPIEGEL must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another physician to monitor his progress and status as soon as practicable;
13. DOCTOR SPIEGEL 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.
14. DOCTOR SPIEGEL shall fully follow, obey and comply with his Aftercare Agreement which he entered into with St. Elizabeth Medical Center, a copy of which he shall supply to the BOARD within two weeks of the effective date of this Agreement. However, where specific terms of the Consent Agreement are more restrictive than similar terms present in the Aftercare Agreement, the terms of the Consent Agreement control for all MEDICAL BOARD purposes.

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.

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

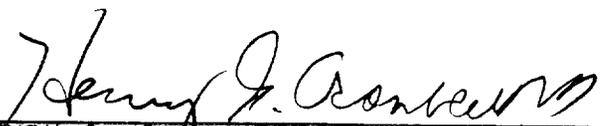
Any action initiated by the BOARD based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

DOCTOR SPIEGEL hereby releases the STATE MEDICAL BOARD, its Members, employees, agents and officers 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, Revised Code, and shall become effective upon the last date of signature below.



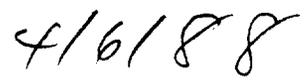
JEROME C. SPIEGEL, M.D.



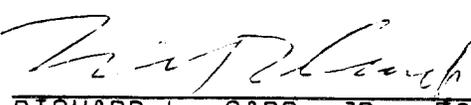
HENRY G. CRAMBLETT, M.D.
Secretary, State Medical Board
of Ohio



DATE



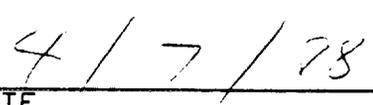
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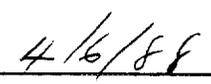
RICHARD L. CARR, JR., ESQ.
Attorney for Jerome C.
Spiegel, M.D.



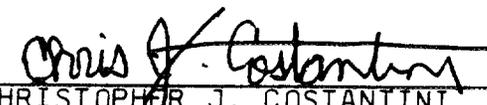
JOHN E. RAUCH, D.O.
Supervising Member
State Medical Board of Ohio



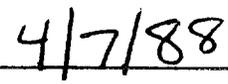
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DATE



CHRISTOPHER J. COSTANTINI
Assistant Attorney General



DATE

25105

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43266-0315

July 9, 1987

Jerome C. Spiegel, M.D.
2345 Philadelphia Drive
Dayton, OH 45406

Dear Doctor Spiegel:

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. You suffer from "inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills", as that clause is used in Section 4731.22(B)(19), Ohio Revised Code; and/or "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," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code. These allegations are supported by the following:
 - A. You were administratively discharged from the Ridgeview Institute Treatment Program prior to your admission to the Shepherd Hill Hospital treatment program.
 - B. On or about January 5, 1987, you were admitted to the Shepherd Hill Hospital treatment program. You were administratively discharged from Phase II of the Program for failure to comply with contractual restrictions.
 - C. On or about February 24, 1987 and again on April 20, 1987 you entered into Aftercare Agreements with the St. Elizabeth Medical Center Impaired Physicians Program, which are attached hereto and fully incorporated herein.
 - D. Your urine specimen given on or about April 20, 1987, tested positive for cocaine metabolites.

July 9, 1987

Pursuant to Section 4731.22(B)(19) and/or (B)(26), Ohio Revised Code, the State Medical Board of Ohio may limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine or surgery, or reprimand or place you on probation for one or more of the reasons listed above.

In addition, Section 3719.121, Ohio Revised Code requires that the license of any practitioner who is or becomes addicted to the use of controlled substances shall be suspended by the board until such time as said practitioner offers satisfactory proof to the board that he is no longer so addicted.

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, that request must be made 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 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 made 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
Encls.

CERTIFIED MAIL #P 569 365 262
RETURN RECEIPT REQUESTED

ST. ELIZABETH MEDICAL CENTER IMPAIRED PHYSICIAN PROGRAM

Aftercare Agreement

I, Jerome C. Spiegel MD hereby agree to follow the terms of this contract for a period of 24 months from the date of my signature below.

87
MAY -5 P2:16

Terms:

1. I will abstain from alcohol and the use of all mood altering chemicals.
2. I will regularly attend at least three A.A. meetings a day and provide the Chairman with documentation of attendance.
3. I will provide a urine sample for drug screen when requested by my Committee monitor. I understand that a weekly sample will be requested of me in a random fashion and that passage of such is to be under direct observation of the Monitor.
4. I agree not to return to the practice of medicine until cleared by the Impaired Physician's Committee. *HOSPITAL 2/1/88*
5. I will attend a physician's support group weekly at Shepherd Hill or where otherwise available.
6. I agree to attend physician aftercare meeting weekly.
7. I agree to obtain the services of an A.A. sponsor and to use him.
8. In the event of relapse I agree to re-enter treatment at Shepherd Hill or an equivalent program.

9. I will re-enter inpatient treatment at Shepherd Hill impaired Physicians Program or an equivalent program for evaluation and detoxification if requested to do so by the Impaired Physicians Committee.
10. I will notify the Impaired Physicians Committee of any change in employment or change in hospital staff affiliations.
11. I will maintain contact with the Impaired Physicians Committee and meet with the Committee when requested to do so.
12. I understand that failure to sign this agreement or to comply with any of the above terms will result in notification of the Ohio State Medical Board and the Ohio State Medical Association regarding my right to practice as a licensed physician in Ohio.

Physician signature

James C. Sperry

Date

2/24/87

Witness signature

Dennis C. Reynolds

Date

2-24-87

Chairman signature

Joseph R. Hochstetler

Date

2/24/87

87 MAR -5 P2:16

ST. ELIZABETH MEDICAL CENTER IMPAIRED PHYSICIAN PROGRAM

Aftercare Agreement

I, ADAM SPIELER, hereby agree to follow the terms of this agreement for a period of 24 months from the date of my signature.

- Terms:
1. I will abstain from alcohol and the use of all mood altering chemicals.
 2. I will regularly attend at least five A.A. meetings a week and provide the Chairman with documentation of attendance.
 3. I will provide a urine sample for drug screen when requested by my Committee monitor. I understand that a weekly sample will be requested of me in a random fashion and passage of such is to be under direct observation of the Monitor.
 4. I will attend Shepherd Hill ^{physician support group or physician not found where} ~~or where~~ otherwise available.
 5. I will attend physician aftercare meeting weekly. ^{here handwritten changes were made that written here on 4/12/87 by me} *James J. Kelly*
 6. In the event of relapse I agree to re-enter treatment at Shepherd Hill or an equivalent program.
 7. I will obtain the services of an A.A. sponsor and use him.
 8. I will re-enter inpatient treatment at Shepherd Hill impaired Physicians Program or an equivalent program for evaluation and detoxification if requested to do so by the Impaired Physicians Committee.
 9. I will notify the Impaired Physicians Committee of any change in employment or change in hospital staff affiliations.
 10. I will maintain contact with the Impaired Physicians Committee and meet with the Committee when requested to do so.
 11. I understand that failure to sign this agreement or to comply with any of the above terms will result in notification of the Ohio State Medical Board and the Ohio State Medical Association regarding my right to practice as a licensed physician in Ohio.

12. I understand that if I relapse and fail to report this to the Committee and/or fail to re-enter treatment that my privileges to practice medicine in St. Elizabeth Medical Center will be summarily suspended.

Physician Signature

[Handwritten Signature]

Date

4/20/87

Witness Signature

[Handwritten Signature]

Date

4-20-87

Chairman Signature

[Handwritten Signature]

Date

4/20/87