

STATE MEDICAL BOARD
90 NOV 20 AM 10: 23

**CONSENT AGREEMENT
BETWEEN
ROGELIO R. DELA ROCA, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

THIS CONSENT AGREEMENT is entered into by and between ROGELIO R. DELA ROCA, M.D. and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

ROGELIO R. DELA ROCA, 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 adjudicative hearing on the issues considered herein.

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)(26), 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.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), 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. ROGELIO R. DELA ROCA, M.D. is licensed to practice medicine and surgery in the State of Ohio.
- D. ROGELIO R. DELA ROCA, M.D. ADMITS that since June of 1984 he has been convicted of DUI-Alcohol a total of four times. DOCTOR DELA ROCA further admits that after his third conviction in or about October, 1987 he attempted to smuggle Schedule IV benzodiazepines into the Rocky River Jail Facility. DOCTOR DELA ROCA further admits that on or about December 27, 1989, at the time of his fourth arrest, he had in his possession Schedule IV narcotics and benzodiazepines.

ROGELIO R. DELA ROCA, M.D. ADMITS that on June 29, 1990 he was discharged from the Glenbeigh Hospital with a discharge diagnosis of alcohol dependence. DOCTOR DELA ROCA further admits a past tendency to substitute benzodiazepines for alcohol.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, ROGELIO R. DELA ROCA, 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 DELA ROCA shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
- 2. DOCTOR DELA ROCA shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of this Consent Agreement;

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3. DOCTOR DELA ROCA shall appear in person for interviews before the full BOARD or its designated representative at three (3) month intervals, or as otherwise directed by the BOARD;
4. In the event that DOCTOR DELA ROCA should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR DELA ROCA 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 DELA ROCA shall immediately surrender his United State Drug Enforcement Administration Certificate. He shall be ineligible to hold, and shall not apply for, registration with DEA to prescribe, dispense or administer controlled substances without prior BOARD approval;
6. DOCTOR DELA ROCA shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess any controlled substances as defined by State or Federal law;
7. DOCTOR DELA ROCA shall abstain completely from the use of alcohol;
8. DOCTOR DELA ROCA shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR DELA ROCA is to ensure that all screening reports are forwarded directly to the BOARD on a monthly basis;

DOCTOR DELA ROCA 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 obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results.

The supervising physician shall monitor DOCTOR DELA ROCA and provide the BOARD with reports on the doctor's progress and status.

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR DELA ROCA must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable;

9. The BOARD retains the right to require, and DOCTOR DELA ROCA agrees to submit, blood or urine specimens for analysis upon request and without prior notice;
10. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR DELA ROCA shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as AA, NA, or Caduceus, acceptable to the BOARD no less than four (4) times per week. At his appearances before the BOARD or its designated representative, DOCTOR DELA ROCA shall submit documentary evidence of continuing compliance with this program.
11. DOCTOR DELA ROCA 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.

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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.

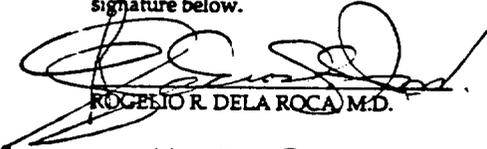
If, in the discretion of the Secretary of THE STATE MEDICAL BOARD OF OHIO, DOCTOR DELA ROCA appears to have violated or breached any terms or conditions of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

DOCTOR DELA ROCA acknowledges that he has had an opportunity to ask questions concerning the terms of this 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.

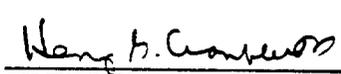
DOCTOR DELA ROCA hereby releases THE STATE MEDICAL BOARD OF OHIO, its Members, Employees, Agents, Officers and Representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and shall become effective upon the last date of signature below.


ROGELIO R. DELA ROCA, M.D.

DATE

11-8-90


HENRY G. CRAMBLETT, M.D.
Secretary

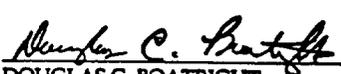
DATE

11/21/90


TIMOTHY S. JOST, ESQ.
Supervising Member

DATE

11/21/90


DOUGLAS C. BOATRIGHT
Assistant Attorney General

DATE

11/26/90