

**STATE OF OHIO
THE STATE MEDICAL BOARD**

**PERMANENT SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY
ARTHUR C. J. BRICKEL, M.D.**

I, ARTHUR C. J. BRICKEL, M.D., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein, after being fully advised by legal counsel.

I, ARTHUR C. J. BRICKEL, M.D., do hereby voluntarily, knowingly, intelligently, and permanently surrender my certificate to practice medicine and surgery, No. 35-035453, to the State Medical Board of Ohio, thereby permanently relinquishing all rights to practice medicine and surgery in Ohio. This surrender shall be effective as of midnight, April 6, 2000.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-035453 or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing of this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings in accordance with R.C. Chapter 119 and R.C. 4731.22 for the matters described in the Notice of Opportunity for Hearing dated May 12, 1999. I further stipulate and admit the allegations in said Notice, which is attached hereto in Exhibit A and incorporated herein by this reference.

I, ARTHUR C. J. BRICKEL, M.D., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

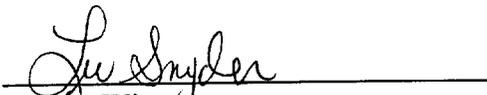
Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

Surrender of Certificate
page 2

Signed this 1 day of APR, 2000



Signature of Physician



Witness



Witness

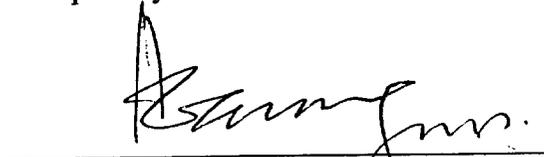
Sworn to and subscribed in my presence, this 1st day of April, 2000.



NOTARY PUBLIC
LUCRETIA A. SNYDER
Notary Public, State of Ohio
My Commission Expires June 6, 2003

(This form must be either witnessed OR notarized.)

Accepted by the State Medical Board of Ohio:



ANAND G. GARG, M.D.
Secretary

4-6-00

DATE



RAYMOND J. ALBERT
Supervising Member
4/6/00

DATE



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/466-3934 • Website: www.state.oh.us/med/

May 12, 1999

Arthur C. J. Brickel, M.D.
Office-in-the-Park, Suite 1
24400 Highpoint Road
Beachwood, Ohio 44122-6027

Dear Doctor Brickel :

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) On or about December 3, 1997, you entered into a Consent Agreement with the State Medical Board of Ohio in lieu of formal proceedings based upon your violations of Sections 4731.22(A), (B)(5), (B)(19), and (B)(26), Ohio Revised Code. A copy of this Consent Agreement, which by its terms became effective on December 31, 1997, is attached hereto and incorporated herein.

In this Consent Agreement, you made certain admissions, including that you have suffered from bipolar disorder and alcohol dependence; that during the summer of 1995 you received treatment for chemical dependency at the Cleveland Clinic Foundation, consuming alcohol during both the partial hospitalization and outpatient follow-up levels of treatment; that you subsequently received treatment for chemical dependency during the fall of 1995 at The Cloisters at Pine Island; that in April 1996, after again consuming alcohol, you received treatment for bipolar disorder and alcohol abuse at the Bournewood Hospital; that in November 1996, after again consuming alcohol, you entered treatment at the Hazelden Clinic; and that you suffered a brief relapse of your alcoholism in January 1997.

In this Consent Agreement, you also agreed to certain specified terms, conditions, and limitations, including that your certificate to practice medicine and surgery in Ohio would be suspended for an indefinite period of time, but not less than three (3) months. Your certificate to practice medicine and surgery in Ohio remains suspended to date.

- (2)(a) Paragraph 3 of this Consent Agreement states that you "shall abstain completely from the use of alcohol."

Mailed 5/13/99

- (b) Despite this prohibition, you tested positive for ethanol on or about the following dates: February 27, 1998, March 12, 1998, June 4, 1998, August 6, 1998, October 23, 1998, and October 29, 1998.

- (3)(a) Paragraph 5 of this Consent Agreement states that you "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."

- (b) Despite this requirement, you failed to submit your required quarterly declaration in January 1999 and again in April 1999.

- (4)(a) Paragraph 6 of this Consent Agreement states that you "shall appear in person for quarterly interviews before the Board or its designated representative, or as otherwise directed by the Board."

- (b) Despite this requirement, you failed to appear on April 13, 1999, for your scheduled quarterly appearance.

- (5)(a) Paragraph 7 of this Consent Agreement states, in pertinent part, that you "shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board;" that you "shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis;" and that you "shall ensure that the supervising physician provides quarterly reports to the Board." Paragraph 7 also provides that in the event that your designated supervising physician becomes unable or unwilling to so serve, you "must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable."

- (b) Despite these requirements, during the week of August 9, 1998, you failed to submit a urine specimen for screening. Additionally, since November 12, 1998, you have failed to submit to random urine screenings for drugs and alcohol on a weekly basis and/or have failed to ensure that all screening reports are forwarded directly to the Board on a quarterly basis. You have also failed to ensure that the supervising physician provides quarterly reports to the Board.

Further, although your supervising physician notified you in or about November 1998 of an unwillingness to continue to serve in that role, you failed to immediately notify the Board in writing. Additionally, since being notified of your supervising physician's unwillingness to continue to serve in that role, you have failed to make arrangements acceptable to the Board for another supervising physician.

Your acts, conduct, and/or omissions as alleged in paragraphs (2) through (5) above, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed

ARTHUR C. J. BRICKEL, M.D.
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by the board upon a certificate to practice," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

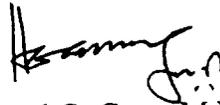
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

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,



Anand G. Garg, M.D.
Secretary

AGG/bjs
Enclosures

CERTIFIED MAIL #Z 395 591 272
RETURN RECEIPT REQUESTED

cc: Jeremy Gilman, Esq.
Benesch, Friedlander, Coplan & Aronoff
2300 BP America Building
200 Public Square
Cleveland, Ohio 44114-2378

CERTIFIED MAIL #Z 395 591 271
RETURN RECEIPT REQUESTED

**CONSENT AGREEMENT
BETWEEN
ARTHUR C.J. BRICKEL, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

91 DEC - 9 AM 10: 28

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

ARTHUR C.J. BRICKEL, 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(A), 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 "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code. Further, 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 violations of Section 4731.22(B)(5), Ohio Revised Code, "publishing a false, fraudulent, deceptive, or misleading statement;" Section 4731.22(B)(19), Ohio Revised Code, "inability to practice according to acceptable and prevailing standards of care by reason of mental illness;" and Section 4731.22(B)(26), Ohio Revised Code, "(i)mpairment 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 CONSENT AGREEMENT in lieu of formal proceedings based upon the violations of Sections 4731.22(A), (B)(5), (B)(19), and (B)(26), Ohio Revised Code, as detailed in paragraphs D and E 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. ARTHUR C.J. BRICKEL, M.D., is licensed to practice medicine and surgery in the State of Ohio.
- D. ARTHUR C.J. BRICKEL, M.D., ADMITS that he has suffered from bipolar disorder and alcohol dependence. DOCTOR BRICKEL further ADMITS that in January 1994, as a result of staff reports to his employer that he had the smell of alcohol on his person while at work, he was seen at the Cleveland Clinic Foundation, a BOARD approved treatment facility, for a three-day inpatient evaluation which resulted in an inconclusive final diagnosis.

Further, DOCTOR BRICKEL ADMITS that in or about July 1995, after his employer again received reports that he had the odor of alcohol on his person while at work, he provided a blood sample which tested positive for alcohol. DOCTOR BRICKEL further ADMITS that he then received inpatient treatment for chemical dependency at the Cleveland Clinic Foundation from on or about July 27, 1995, through on or about August 2, 1995. DOCTOR BRICKEL further ADMITS that he thereafter received partial hospitalization care, during which he consumed alcohol, until being advanced to outpatient follow-up care on or about August 18, 1995.

DOCTOR BRICKEL further ADMITS that he again consumed alcohol on or about September 1, 1995, and was admitted the same day to the Cleveland Clinic Foundation for inpatient treatment. DOCTOR BRICKEL further ADMITS that he was discharged from the Cleveland Clinic Foundation on or about September 9, 1995, with a recommendation that he seek treatment at an extended care facility. DOCTOR BRICKEL further ADMITS that he thereafter received residential inpatient treatment at The Cloisters at Pine Island, in Pineland, Florida, from September 10, 1995, to October 12, 1995, at which time he was discharged upon successful completion of treatment. DOCTOR BRICKEL further ADMITS that following his discharge from The Cloisters he attended individual aftercare sessions in 1995 and group therapy sessions in early 1996 facilitated by Richard H. Mahoney, M.Ed., C.C.D.C. III, of Halcyon Psychological Services, Inc., in Beachwood, Ohio, and that on or about February 19, 1996, he began psychotherapy sessions and medication management with Norman A. Clemens, M.D., in South Euclid, Ohio.

Further, DOCTOR BRICKEL ADMITS that in or about March 1996 he again consumed alcohol, and thereafter, on or about April 10, 1996, entered treatment at Bournemouth Hospital, in Brookline, Massachusetts,

where he was diagnosed as suffering from bipolar disorder and alcohol abuse. DOCTOR BRICKEL further ADMITS that he was discharged from this facility on or about April 29, 1996, with recommendations to continue psychiatric care, including weekly sessions with Dr. Clemens, and to attend daily A.A. meetings

Further, DOCTOR BRICKEL ADMITS that in November 1996, after consuming alcohol, he entered treatment at Hazelden Clinic in Center City, Minnesota, and that upon discharge from Hazelden Clinic in December 1996, he was referred to Laurelwood Counseling Center in Beachwood, Ohio, for aftercare. DOCTOR BRICKEL further ADMITS that he suffered a brief relapse of his alcoholism in January 1997 and that he has missed no less than six aftercare meetings in 1997.

DOCTOR BRICKEL STATES that since January 1997 he has remained abstinent from the use of alcohol and medications not prescribed by a physician with knowledge of his history of chemical dependency.

DOCTOR BRICKEL further STATES that he currently attends five to seven A.A. meetings per week, that he continues aftercare with Laurelwood Counseling Center, and that he continues weekly sessions with Dr. Clemens.

- E. Further, ARTHUR C.J. BRICKEL, M.D., ADMITS that in completing his application card for renewal of his certificate to practice medicine or surgery for the 1996-1998 biennial registration period, he answered "No" to Question 3 which asks "At any time since signing your last application for renewal of your certificate have you 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?" DOCTOR BRICKEL further ADMITS that he signed such application card certifying that the information provided on the application for renewal was true and correct in every respect.

DOCTOR BRICKEL further ADMITS that he had, in fact, since signing his last application for renewal, been addicted to or dependent upon alcohol, and treated for, or diagnosed as suffering from, alcohol dependency or abuse.

DOCTOR BRICKEL further ADMITS that at the time he signed such application he had not successfully completed treatment at a program approved by this Board and subsequently adhered to all statutory requirements as contained in Sections 4731.224 and 4731.25, Ohio Revised Code, and related provisions, and was not currently enrolled in a Board approved program.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, ARTHUR C.J. BRICKEL, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

1. The certificate of DOCTOR BRICKEL, to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than three (3) months. Such suspension shall become effective on December 31, 1997;
2. DOCTOR BRICKEL 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 DOCTOR BRICKEL's history of chemical dependency;
3. DOCTOR BRICKEL shall abstain completely from the use of alcohol;
4. DOCTOR BRICKEL 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 DOCTOR BRICKEL's chemical dependency or related conditions, or for purposes of complying with the 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. DOCTOR BRICKEL 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. DOCTOR BRICKEL 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 in which the consent agreement becomes effective, 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;

6. DOCTOR BRICKEL 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 BRICKEL written notification of scheduled appearances, it is DOCTOR BRICKEL'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 BRICKEL shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

7. DOCTOR BRICKEL shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR BRICKEL 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;

Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR BRICKEL shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR BRICKEL shall submit the required urine specimens. 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;

DOCTOR BRICKEL shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, verifying whether all urine screens have been conducted in compliance with this CONSENT AGREEMENT, whether all urine screenings have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities;

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR BRICKEL must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR BRICKEL shall further ensure that the previously designated supervising physician also notifies the BOARD directly of the 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 DOCTOR BRICKEL's quarterly declaration. It is DOCTOR BRICKEL's responsibility to ensure that reports are timely submitted;

8. THE BOARD shall not consider reinstatement of DOCTOR BRICKEL's certificate to practice medicine and surgery unless and until all of the following conditions are met:
 - a. DOCTOR BRICKEL shall submit an application for reinstatement, accompanied by appropriate fees, if any;
 - b. DOCTOR BRICKEL 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 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 DOCTOR BRICKEL has successfully completed any required inpatient treatment;
 - ii. Evidence of continuing full compliance with an aftercare contract or consent agreement;
 - iii. Two written reports indicating that DOCTOR BRICKEL'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 individuals or providers approved by the BOARD for making such assessments and shall describe the basis for this determination.
 - c. DOCTOR BRICKEL shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the BOARD or, if the BOARD and DOCTOR

BRICKEL are unable to agree on the terms of a written CONSENT AGREEMENT, then DOCTOR BRICKEL 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 DOCTOR BRICKEL'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 and, upon termination of the consent agreement or Board Order, submission to the BOARD for at least two years of annual progress reports made under penalty of BOARD disciplinary action or criminal prosecution stating whether DOCTOR BRICKEL has maintained sobriety.

9. In the event that DOCTOR BRICKEL 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 DOCTOR BRICKEL's fitness to resume practice.
10. Within thirty (30) days of the effective date of this Agreement, DOCTOR BRICKEL 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 a license to practice. DOCTOR BRICKEL 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 licensure or reinstatement of licensure. Further, DOCTOR BRICKEL shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.
11. Within thirty (30) days of the effective date of this Agreement, DOCTOR BRICKEL shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where he has 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.

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

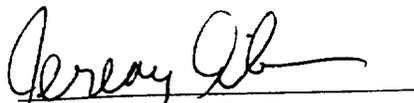
DOCTOR BRICKEL hereby releases THE STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. 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 that it shall become effective on December 31, 1997.

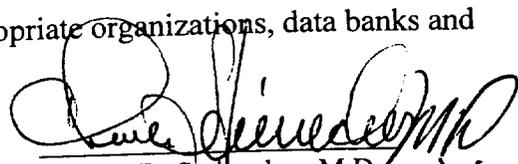
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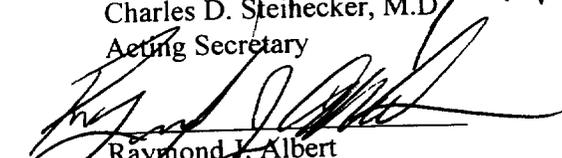

Arthur C.J. Brickel, M.D.

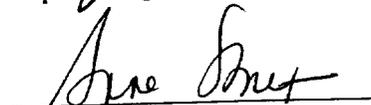
12-1-97
Date


Jeremy Gilman, Esq.
Attorney for Dr. Brickel

12-1-97
Date


Charles D. Steinecker, M.D.
Acting Secretary


Raymond J. Albert
Supervising Member


Anne C. Berry Strait, Esq.
Assistant Attorney General

12/3/97
Date