STEP I
CONSENT AGREEMENT
BETWEEN
RICHARD STOCKTON HELFFRICH, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

This CONSENT AGREEMENT is entered into by and between RICHARD STOCKTON HELFFRICH, M.D., and THE STATE MEDICAL BOARD OF OHIO, [hereinafter BOARD] a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

RICHARD STOCKTON HELFFRICH, M.D., 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)(22), Ohio Revised Code, 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 limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, or the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees."

B. The BOARD enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violations of Section 4731.22(B)(22), Ohio Revised Code, as set forth in Paragraph 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 CONSENT AGREEMENT.

C. RICHARD STOCKTON HELFFRICH, M.D., is licensed to practice medicine and surgery in the State of Ohio.

D. RICHARD STOCKTON HELFFRICH, M.D., STATES that he is also licensed to practice medicine and surgery in the State(s) of Alabama, New York, Ohio, Pennsylvania

E. RICHARD STOCKTON HELFFRICH, M.D., ADMITS that on June 24, 1998, the Alabama State Board of Medical Examiners issued an Administrative Complaint, Order for Examination and Evaluation, and an Order of Temporary Suspension alleging that DOCTOR HELFFRICH is unable to practice medicine with reasonable skill and safety to patients by reason of mental illness or as a result of a physical or mental condition.

A copy of the June 24, 1998, Administrative Complaint, Order for Examination and Evaluation, and Order of Temporary Suspension of the Alabama State Board of Medical Examiners is attached hereto and incorporated herein.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, RICHARD STOCKTON HELFFRICH, M.D., knowingly and voluntarily agrees with the BOARDto the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

1. The certificate of RICHARD STOCKTON HELFFRICH, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time;

Releases

2. DOCTOR HELFFRICH 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 HELFFRICH's psychiatric disorder 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. DOCTOR HELFFRICH 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 psychiatric treatment plan. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this CONSENT AGREEMENT.

CONDITIONS FOR REINSTATEMENT

3. DOCTOR HELFFRICH ACKNOWLEDGES AND AGREES that the BOARD shall not consider reinstatement of DOCTOR HELFFRICH's certificate to practice medicine and surgery unless and until all of the following conditions are met:

   a. DOCTOR HELFFRICH shall submit an application for reinstatement, accompanied by appropriate fees, if any;

   b. DOCTOR HELFFRICH shall provide the BOARD a certified copy of the Final Order by the Medical Licensure Commission of Alabama regarding the June 24, 1998, Administrative Complaint, Order for Examination and Evaluation, and Order of Temporary Suspension issued by the Alabama State Board of Medical Examiners against DOCTOR HELFFRICH;

   c. DOCTOR HELFFRICH shall release to the BOARD certified copies of the findings, conclusions, and recommendations from the evaluation ordered by the Alabama State Board of Medical Examiners;

   d. DOCTOR HELFFRICH 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. Two written reports indicating that DOCTOR HELFFRICH has been psychiatrically evaluated, that DOCTOR HELFFRICH'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 evaluations shall be conducted by psychiatrists approved in advance by the BOARD. Prior to the evaluations, DOCTOR HELFFRICH shall provide the evaluators with copies of his patient records from any psychiatric treatment that he has received, a copy of this CONSENT AGREEMENT, and any other information which the BOARD deems may be appropriate or helpful to the evaluator. The reports shall describe the bases for the

evaluators' determinations and shall include a detailed recommended plan of any care, counseling, and treatment that may be required for DOCTOR HELFFRICH's psychiatric disorder. The reports shall also include any recommended conditions, restrictions, or limitations that should be imposed on DOCTOR HELFFRICH's practice;

ii. In the event that DOCTOR HELFFRICH has not engaged in the active practice of medicine and surgery for a period of time in excess of two years, DOCTOR HELFFRICH shall provide proof acceptable to the BOARD that he has taken and passed the SPEX (Special Purpose Examination), or its equivalent as approved in advance by the BOARD.

e. DOCTOR HELFFRICH shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the BOARD or, if the BOARD and DOCTOR HELFFRICH are unable to agree on the terms of a written consent agreement, then DOCTOR HELFFRICH 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 HELFFRICH'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 HELFFRICH has maintained compliance with his psychiatric treatment plan.

REQUIRED REPORTING BY LICENSEE

4. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR HELFFRICH 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 HELFFRICH 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 HELFFRICH shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt;

5. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR HELFFRICH 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.

6. DOCTOR HELFFRICH ACKNOWLEDGES that the BOARD is not prohibited from instituting formal proceedings based upon the Final Order of the Medical Licensure Commission of Alabama in his matter and any violations of Chapter 4731., Ohio Revised Code, whether occurring before or after the effective date of this Agreement.

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, DOCTOR HELFFRICH 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

DOCTOR HELFFRICH 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.

DOCTOR HELFFRICH 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.

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.

Richard S Helffrich MD
RICHARD S. HELFFRICH, M.D.

ANAND G. GARG, M.D.
Secretary

MAY 24, 1999
DATE

6/9/99
DATE

BRUCE EHLKE, ESQ.
Attorney for Dr. HELFFRICH

RAYMOND J. ALBERT
Supervising Member

May 26, 1999
DATE

6/9/99
DATE

ANNE B. STRAIT, ESQ.
Assistant Attorney General

6/9/99
DATE

ALABAMA STATE BOARD OF MEDICAL EXAMINERS,	)	BEFORE THE MEDICAL LICENSURE COMMISSION OF ALABAMA
Complainant,	)	
vs.	)	CASE NO. 98-016
RICHARD S. HELFFRICH, M.D.	)	
Respondent.	)	

ORDER TEMPORARILY SUSPENDING LICENSE AND SETTING HEARING

Upon the verified Administrative Complaint of the Alabama State Board of Medical Examiners, and pursuant to the authority of Ala. Code §§34-24-361(f) and 41-22-19(d) (1975), it is the ORDER of the Commission that the license to practice medicine, license certificate number 19514, of RICHARD STOCKTON HELFFRICH, M. D., be, and the same is hereby, immediately suspended. RICHARD STOCKTON HELFFRICH, M. D., is hereby ORDERED and DIRECTED to surrender the said license certificate and his Alabama controlled substances registration certificate and all controlled substances of which he has possession to Ray Murray, a duly authorized agent of the Medical Licensure Commission. RICHARD STOCKTON HELFFRICH, M.D., is hereby ORDERED to immediately CEASE and DESIST from the practice of medicine in the State of Alabama until such time as the Administrative Complaint of the Alabama State Board of Medical Examiners shall be heard by the Commission and a decision rendered thereon.

This action is made consistent with the Rules and Regulations of the Board of Medical Examiners and the Medical Licensure Commission and Ala. Code 34-24-361(f) (1975), based upon the request of the Alabama State Board of Medical Examiners upon the Board's finding

and certification that the Board presently has evidence in its possession that the continuation in practice of RICHARD STOCKTON HELFFRICH. M.D., may constitute an immediate danger to his patients and the public.

It is the further ORDER of the Medical Licensure Commission that the Administrative Complaint of the Alabama State Board of Medical Examiners be, and the same is hereby, set for hearing on the 26 day of August, 1998, at 9:30 a.m., at the offices of the Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama.

The said RICHARD STOCKTON HELFFRICH, M. D., is ORDERED to appear before the Commission at the aforesaid time and date there to answer the allegations of the Administrative Complaint filed by the Alabama State Board of Medical Examiners.

It is the further ORDER of the Commission that a copy of the verified Administrative Complaint of the Alabama State Board of Medical Examiners and a copy of this order shall be forthwith served upon the said RICHARD STOCKTON HELFFRICH, M. D., by personally delivering the same to him at his office or at his residence or such place as he may be found in the State of Alabama, or by certified mail, return receipt requested, to his last known address if he cannot be found in the State of Alabama. The Commission further directs that the service of process shall be made by Ray Murray, who is designated as the duly authorized agent of the Medical Licensure Commission.

The Honorable Wayne P. Turner is hereby designated as hearing officer in this matter. It is further ordered that the parties and their attorneys immediately check their calendars for scheduling conflicts. No requests for continuance based upon schedule conflicts of attorneys or parties will be considered unless such request is made prior to July 22, 1998.

ORDERED at Montgomery, Alabama this 24th day of June, 1998.

Jerry N. Gurley, M.D.
Chairman
Medical Licensure Commission

ALABAMA STATE BOARD OF MEDICAL EXAMINERS, Complainant, v. RICHARD STOCKTON HELFFRICH, M.D. Respondent.	)	BEFORE THE MEDICAL LICENSURE COMMISSION OF ALABAMA CASE NO. 98-016

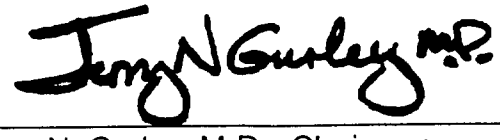
ORDER FOR EXAMINATION AND EVALUATION

At the request of the Alabama Board of Medical Examiners and based on a showing of probable cause to believe that the Respondent, Richard Stockton Helffrich, M.D. is unable to practice medicine with reasonable skill and safety to patients by reason of a mental or emotional illness, disease or condition, it is hereby ORDERED that the Respondent shall present himself to Mr. Richard Porter, Director of Admissions at the Menninger Clinic, 5800 Southwest Sixth Avenue, Topeka, Kansas 66606, telephone 1-800-351-9058 on or before the 17 day of July, 1998 there to submit to a complete inpatient long term psychiatric evaluation as recommended by Dr. Sandra Frazier at the UAB Center for Psychiatric Medicine.

It is further ORDERED that the findings, conclusions and recommendations resulting from the examinations and evaluations required by the this Order shall be provided to the Board of Medical Examiners and to the Medical Licensure Commission of Alabama. The

expense of the examinations and evaluations required by this Order shall be paid by the Respondent, Richard Stockton Helffrich, M.D.

ORDERED this 24th day of June, 1998.



Jerry N. Gurley, M.D., Chairman
Medical Licensure Commission of Alabama

STATE OF ALABAMA
BEFORE THE MEDICAL LICENSURE COMMISSION OF ALABAMA

ALABAMA STATE BOARD
OF MEDICAL EXAMINERS,

Complainant,

-vs-

RICHARD STOCKTON HELFFRICH, M.D., Case No. 98-016

Respondent.

WAIVER OF ONE HUNDRED AND TWENTY DAY LIMITATION ON
ORDER OF SUMMARY SUSPENSION

The undersigned, RICHARD STOCKTON HELFFRICH, M.D., hereby agrees to waive the 120 day limitation on the Order Temporarily Suspending License and Setting Hearing, entered by the Medical Licensure Commission on June 24, 1998, and further agrees that the said Order shall remain in full force and effect until a hearing has been set by the Medical Licensure Commission on the Administrative Complaint filed by the State Board of Medical Examiners and a final order of the Commission is issued subsequent to that hearing, or until said Administrative Complaint otherwise is resolved.

This waiver is made in connection with my request for a postponement of the scheduled August 26, 1998 hearing on the Administrative Complaint filed by the State Board of Medical Examiners.

Dated: August 12, 1998.

Richard Stockton Helffrich MD
RICHARD STOCKTON HELFFRICH, M.D.

ALABAMA STATE BOARD OF MEDICAL EXAMINERS, Complainant, v. RICHARD STOCKTON HELFFRICH, M.D. Respondent.	)	BEFORE THE MEDICAL LICENSURE COMMISSION OF ALABAMA CASE NO. 98-016

ADMINISTRATIVE COMPLAINT

Comes now the Alabama State Board of Medical Examiners, and submits herein its sworn petition pursuant to the authority of Ala. Code §34-24-361(e) and (f) (1975), and respectfully represents to the Medical Licensure Commission the following:

1. On November 29, 1995, the Respondent, Richard Stockton Helffrich, M.D., was duly issued a license to practice medicine in the State of Alabama, license number 19514.

2. The Board of Medical Examiners has conducted an investigation into the medical practice of Dr. Helffrich and, based upon that investigation, has concluded that there exists probable cause to believe that the Respondent has committed the following violations of Ala. Code §34-24-360 (1975):

   a. Unable to practice medicine with reasonable skill and safety to patients by reason of mental illness or as a result of a physical or mental condition, a violation of Ala. Code §34-24-360(19) (1975).

3. In support of the allegation of the violation of §34-24-360(19), the Board alleges that Dr. Helffrich is presently unable to practice medicine with reasonable skill and

safety to patients by virtue of a mental or emotional illness, disease or condition. Further the Board alleges that, for more than twenty (20) years, Dr. Helffrich has been under continuous psychiatric care for an extended history of bipolar mood disorder. Most recently, Dr. Helffrich has been diagnosed with major depressive episode and dysthymia, primary type. Intermittently, during this period of time, Dr. Helffrich's psychiatric symptoms have resulted in a residency termination, curtailment of staff privileges at a hospital, and hospitalization in a psychiatric facility. Further, in October 1997, after a review of Dr. Helffrich's patient charts, the hospital at which Dr. Helffrich had staff privileges, specifically Jackson County Hospital, reported Dr. Helffrich to the Physicians Recovery Network of the Medical Association of the State of Alabama with the opinion that Dr. Helffrich has a potential impairment. Subsequently, Dr. Helffrich left his practice in Alabama and moved to Wisconsin. In May, 1998, after review of the patient records, the Board of Medical Examiners voted to issue an order for Dr. Helffrich to undergo a complete psychiatric evaluation.

4. Dr. Helffrich did undergo a complete psychiatric evaluation in May, 1998 at the UAB Center for Psychiatric Medicine. The report from Dr. Sandra Frazier at the UAB Center for Psychiatric Medicine recommends that Dr. Helffrich cease the practice of medicine immediately because of his unstable psychiatric condition and his long history of quality of care issues. Additionally, Dr. Frazier has recommended an inpatient long term thorough psychiatric evaluation.

5. The Board of Medical Examiners hereby finds and certifies to the Medical Licensure Commission of Alabama that the Board has in its possession evidence which

shows that the continuation in practice of the Respondent, Richard Stockton Helffrich, M.D., constitutes an immediate danger to his patients and to the public.

Wherefore, the foregoing premises considered, the Alabama State Board of Medical Examiners respectfully requests that the Medical Licensure Commission of Alabama, pursuant to its authority under Ala. Code §§ 34-24-361(f) and 41-22-19(d) (1975), immediately suspend the license to practice medicine of Dr. Helffrich without a hearing, and order that Dr. Helffrich immediately cease and desist from the practice of medicine in the State of Alabama and surrender to the Medical Licensure Commission of Alabama or a designated agent his license to practice medicine, his Alabama Controlled Substances Registration Certificate, and any inventory of controlled substances which may be in the possession of Dr. Helffrich.

Further, the Board of Medical Examiners requests that the Medical Licensure Commission set a hearing upon this Administrative Complaint and order that the Respondent, Richard Stockton Helffrich, M.D., appear and answer the allegations of this complaint. Further, the Board requests that, at the conclusion of the hearing, the Medical Licensure Commission suspend or revoke the license to practice medicine of the Respondent, impose an administrative fine, and/or take such other actions as the Commission may deem appropriate based upon the evidence presented for consideration.

Further, the Board alleges that there is substantial credible evidence that Dr. Helffrich is presently unable to practice medicine with reasonable skill and safety to patients as a result of a mental or emotional disease or condition which requires that Dr. Helffrich undergo an inpatient long term psychiatric evaluation to determine the extent of

Dr. Helffrich's illness or impairment, as recommended by Dr. Sandra Frazier. Consequently, the Board requests that the Medical Licensure Commission immediately issue an order pursuant to its authority under Ala. Code §34-24-360(19) requiring that Dr. Helffrich submit to an inpatient long term psychiatric evaluation at the Menninger Clinic in Topeka, Kansas as recommended by Dr. Sandra Frazier and that the Commission order that the results of such evaluation be provided to the State Board of Medical Examiners and to the Medical Licensure Commission of Alabama.

EXECUTED this 24th day of June, 1998.

Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners

Patricia E. Shaner, Attorney for the
Alabama Board of Medical Examiners
Post Office Box 946
Montgomery, Alabama 36101-0946
(334) 242-4116

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

Before me, the undersigned, personally appeared Larry D. Dixon, who, being by me first duly sworn, deposes and says that he, in his capacity as Executive Director of the Alabama State Board of Medical Examiners, has examined the contents of the foregoing complaint and petition and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.

Larry D. Dixon, Executive Director
State Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 24th day of June, 1998.

Notary Public
My Commission Expires: 5/3/99

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

AFFIDAVIT

Before me, the undersigned, personally appeared Larry D. Dixon, Executive Director of the State Board of Medical Examiners, who, being by me first duly sworn, deposes and says as follows:

The Alabama State Board of Medical Examiners session on June 24, 1998, a quorum of the members of the Board being present, conducted an investigation into the medical practice of Richard Stockton Helffrich, M.D., and at the conclusion of the discussion, the Board adopted the following resolution:

> RICHARD STOCKTON HELFFRICH, M.D., MADISON, WI. After consideration of a report from Dr. Sandra Frazier, UAB Center for Psychiatric Medicine, concerning the evaluation of Dr. Helffrich, the Credentials Committee recommended filing an Administrative Complaint seeking a summary suspension of Dr. Helffrich's license and requesting a long term inpatient psychiatric evaluation at the Menninger Clinic. The motion was adopted.

I further certify that the foregoing resolution was adopted by the Alabama State Board of Medical Examiners on the 24th day of JUNE, 1998.

Larry D. Dixon, Executive Director
State Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 24th day of June, 1998.

Notary Public
My Commission Expires: 5/3/99