

**CONSENT AGREEMENT  
BETWEEN  
ALICE ANDREWS FRAZIER, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Alice Andrews Frazier, M.D., [Dr. Frazier], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Frazier enters into this Consent Agreement being fully informed of her 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), 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 a violation of Section 4731.22(B)(2), Ohio Revised Code, “[f]ailure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;” Section 4731.22(B)(6), Ohio Revised Code, “[a] departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;” and/or Section 4731.22(B)(20), Ohio Revised Code, “violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.”
  
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(2), (B)(6) and (B)(20), Ohio Revised Code, to wit: Rules 4731-11-02, 4731-11-04, and 4731-21-02, Ohio Administrative Code, as set forth in Paragraph E, below. The Board 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. Dr. Frazier is licensed to practice medicine and surgery in the State of Ohio, license number 35.037912.

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- D. Dr. Frazier states that she is not licensed to practice in any other state or jurisdiction,
- E. Dr. Frazier admits that, in the course of her practice while treating patients, she has prescribed controlled substances and/or dangerous drugs, and although she has generally noted the reason and/or diagnosis and/or symptoms for prescribing the controlled substance and/or dangerous drug, in a small number of instances she did not note the reason and/or diagnosis and/or symptoms for prescribing the controlled substance and/or dangerous drug. Dr. Frazier also admits that, in the course of her practice while treating patients, she has prescribed controlled substances and/or dangerous drugs and/or medications, and although she has generally done so, in a small number of instances she did not note the prescription and/or the amounts prescribed in the patient's medical record.

Dr. Frazier further admits that, in the course of her practice while treating patients, she has prescribed Suboxone to patients on approximately three occasions, as she did not realize at the time of such prescribing that she was not authorized to prescribe this medication.

Additionally, Dr. Frazier admits that, in the course of her practice, while treating patients for weight loss, in a small number of instances she did not obtain the information required by Rule 4731-11-04, Ohio Administrative Code, including but not limited to recording the patient's prior efforts at weight loss and/or a determination and/or notation of the patient's body mass index [BMI].

Dr. Frazier also admits that, in the course of her practice while treating patients for intractable pain, she has not fully and completely complied with the requirements of Rule 4731-21-02, Ohio Administrative Code, in a small number of instances.

Dr. Frazier states, and the Board acknowledges, that with the limited exceptions described above, Dr. Frazier's patient records of the involved individuals, overall, demonstrated reasonable compliance with the applicable statutes and rules. However, Dr. Frazier acknowledges that pursuant to the administrative rules governing such prescribing, non-conformance with all technical requirements of the rules constitutes a violation of the Medical Practices Act.

### AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Dr. Frazier knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

1. Alice A. Frazier, M.D., is hereby REPRIMANDED.

Further, Dr. Frazier knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

2. Dr. Frazier shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
3. Dr. Frazier 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 this Consent Agreement becomes effective, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
4. Dr. Frazier shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested 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.
5. In the event Dr. Frazier is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

#### **Professional Prescribing Course**

6. Before the end of the first six months of probation, or as otherwise approved by the Board, Dr. Frazier shall provide acceptable documentation of successful completion of a course or courses dealing with the prescription of dangerous drugs and controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee.

In addition, at the time Dr. Frazier submits the documentation of successful completion of the course or courses dealing with the prescribing of drugs, she also shall submit to the Board a written report describing the course, setting forth what she learned from the course, and identifying with specificity how she will apply what she has learned to her practice of medicine and surgery in the future.

#### **Acknowledgement of Rules**

7. Dr. Frazier acknowledges that she has received copies of the current versions of Rules 4731-11-01, 4731-11-02, 4731-11-04, 4731-21-01 and 4731-21-02, Ohio

Administrative Code. Further, as a physician licensed to practice medicine and surgery in Ohio, Dr. Frazier acknowledges that she is required to comply with all laws, statutes and rules that govern the practice of medicine and surgery in Ohio.

### **Required Reporting by Licensee**

8. Within thirty days of the effective date of this Consent Agreement, Dr. Frazier shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services (including but not limited to third party payors) or is receiving training, and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Frazier shall promptly provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments. In the event that Dr. Frazier provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Frazier shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Frazier shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
  
9. Within thirty days of the effective date of this Consent Agreement, Dr. Frazier shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which she currently holds any license or certificate. Dr. Frazier further agrees to provide a copy of this Consent Agreement at the time of application to the proper licensing authority of any state in which she applies for any professional license or for reinstatement of any professional license. Further, Dr. Frazier shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original

facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

10. Dr. Frazier shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Frazier 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.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Frazier has violated any term, condition or limitation of this Consent Agreement, Dr. Frazier agrees that the violation, as alleged, also constitutes clear and convincing evidence that her continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

### **DURATION/MODIFICATION OF TERMS**

The Reprimand of Dr. Frazier shall not terminate. Dr. Frazier shall not request termination of this Consent Agreement for a minimum of one year. In addition, Dr. Frazier shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

In the event that the Board initiates future formal proceedings against Dr. Frazier, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

Dr. Frazier acknowledges that she 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.

Dr. Frazier 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. Dr. Frazier acknowledges that her social security number will be used if this information is so reported and agrees to provide her social security number to the Board for such purposes.

**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.

*Alice Andrews Frazier*, ~~by~~ *Lance A. Talmage, MD/BAT*  
ALICE ANDREWS FRAZIER, M.D. LANCE A. TALMAGE, M.D. *by authorization*  
Secretary

*February 5, 2010*  
DATE

*March 10, 2010*  
DATE

*Daniel J. Igoe*  
DANIEL J. IGOE  
Attorney for Dr. Frazier

*Raymond J. Albert/BAT*  
RAYMOND J. ALBERT *by authorization*  
Supervising Member

*FEBRUARY 4, 2010*  
DATE

*March 10, 2010*  
DATE

*Cheryl D. Pokorny*  
CHERYL D. POKORNY  
Enforcement Attorney

*2/10/10*  
DATE