

**STEP II**  
**CONSENT AGREEMENT**  
**BETWEEN**  
**ROBERT EDWIN EXTEN, JR., M.D.**  
**AND**  
**THE STATE MEDICAL BOARD OF OHIO**

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

ROBERT EDWIN EXTEN, JR., 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 STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22, 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 who is in violation of Section 4731.22(B)(10), Ohio Revised Code, “[c]ommission of an act which constitutes a felony in this state regardless of the jurisdiction in which the act was committed,” and Section 4731.22(B)(26), Ohio Revised Code, “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 CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Sections 4731.22(B)(10) and (B)(26), Ohio Revised Code, as set forth in Paragraphs E, F, and G of the December 1998 Consent Agreement between ROBERT EDWIN EXTEN, JR., M.D., and THE STATE MEDICAL BOARD OF OHIO, a copy of which is attached hereto and incorporated herein, 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. ROBERT EDWIN EXTEN, JR., M.D., is applying for reinstatement of his license to practice medicine and surgery in the State of Ohio, which was suspended pursuant to the terms of the above referenced December 1998 Consent Agreement.
- D. ROBERT EDWIN EXTEN, JR., M.D., STATES and THE STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES that DOCTOR EXTEN has complied with the reinstatement conditions as set forth in his December 1998 Consent Agreement.
- E. Pursuant to paragraph 10.b.i of the December 1998 Consent Agreement, the STATE MEDICAL BOARD OF OHIO received a letter on or about October 18, 1999, from Shepherd Hill Hospital, a Board approved treatment provider, which states that "Dr. Exten was admitted to Shepherd Hill Hospital on August 18, 1998 and after completing the recommended in-patient treatment program he was discharged on November 13, 1998."
- F. Pursuant to paragraph 10.b.ii of the December 1998 Consent Agreement, the STATE MEDICAL BOARD OF OHIO received a letter dated September 16, 1999, from Shepherd Hill Hospital, and a letter dated October 7, 1999, from the Ohio Physician's Effectiveness Program, which document that DOCTOR EXTEN has maintained compliance with his aftercare agreements.
- G. Pursuant to paragraph 10.b.iii of the December 1998 Consent Agreement, DOCTOR EXTEN obtained the following evaluations from Board approved treatment providers:
  - 1. On or about October 18, 1999, the STATE MEDICAL BOARD OF OHIO received a letter dated October 8, 1999, from Chris Adelman, M.D., the Director of Rosary Hall Chemical Dependency Center at St. Vincent Charity Hospital in Cleveland, Ohio. Dr. Adelman stated that DOCTOR EXTEN was "assessed to be capable of practicing medicine according to the acceptable and prevailing standards of care" if he complied with the following recommendations:
    - a. He continues regular monitoring by an OPEP monitor. OPEP continues to provide monitoring including regular random urine screens.
    - b. He obtains a practice monitor who will review his medical practice. This will include hospital and office practice.

- c. He maintains a pharmacy log which will be available for review by the practice monitor and the State Medical Board.
  - d. He continues with weekly Caduceus group meetings.
  - e. He continues to attend aftercare group.
  - f. He keeps no controlled drug samples in his practice, and no samples of Ultram or Fioricet.
  - g. He attends AA at least three times per week and has regular sponsor contact.
2. On or about October 18, 1999, the STATE MEDICAL BOARD OF OHIO received a letter dated September 19, 1999, from Shepherd Hill Hospital. Said letter stated that DOCTOR EXTEN's "prognosis is very good at this time contingent upon his continued adherence to his recovery contract." In a letter dated November 30, 1999, Fred Karaffa, M.D., an Addictions Medicine Specialist from Shepherd Hill Hospital stated, in essence, that DOCTOR EXTEN is capable of practicing medicine according to the acceptable and prevailing standards of care.

#### **AGREED CONDITIONS**

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, the certificate of ROBERT EDWIN EXTEN, JR., M.D., to practice medicine and surgery in the State of Ohio shall be reinstated, and ROBERT EDWIN EXTEN, JR., 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 EXTEN shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. DOCTOR EXTEN 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;

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

4. In the event that DOCTOR EXTEN should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR EXTEN 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, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed;
5. In the event DOCTOR EXTEN 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 the CONSENT AGREEMENT;

## **MONITORING OF REHABILITATION AND TREATMENT**

### **Drug Associated Restrictions**

6. DOCTOR EXTEN shall keep a log of all controlled substances prescribed. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR EXTEN 's personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD;
7. DOCTOR EXTEN shall not, without prior BOARD approval, administer, dispense, or possess (except as allowed under Paragraph 9 below) any controlled substances as defined by state or federal law; Ultram; or Fioricet. In the event that the BOARD agrees at a future date to modify this CONSENT AGREEMENT to allow DOCTOR EXTEN to administer or dispense controlled substances, DOCTOR EXTEN shall keep a log of all controlled substances prescribed, administered or dispensed. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR EXTEN's personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD;
8. DOCTOR EXTEN shall refrain from self-treating and from treating family members, as that term is defined in Rule 4731-11-08(C) of the Ohio Administrative Code, except in the event of a life-threatening emergency;

**Sobriety**

9. DOCTOR EXTEN 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 EXTEN's history of chemical dependency;
10. DOCTOR EXTEN shall abstain completely from the use of alcohol;

**Drug and Alcohol Screens/Supervising Physician**

11. DOCTOR EXTEN shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR EXTEN 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 EXTEN shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR EXTEN shall submit the required urine specimens. In approving an individual to serve in this capacity, the BOARD will give preference to a

physician who practices in the same locale as DOCTOR EXTEN. 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 EXTEN 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 or her responsibilities;

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

12. The BOARD retains the right to require, and DOCTOR EXTEN agrees to submit, blood or urine specimens for analysis at DOCTOR EXTEN's expense upon the BOARD's request and without prior notice. DOCTOR EXTEN's refusal to submit a blood or urine specimen upon request of the BOARD shall result in a minimum of one year of actual license suspension;

### **Monitoring Physician**

13. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR EXTEN shall submit for the BOARD's prior approval the name of a monitoring physician, who shall review DOCTOR EXTEN's patient charts and shall submit a written report of such review to the BOARD on a quarterly basis. In approving an individual to serve in this capacity, the BOARD will give preference to a physician who practices in the same locale as DOCTOR EXTEN and who is engaged in

the same or similar practice specialty. Such chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the BOARD. It shall be DOCTOR EXTEN's responsibility to ensure that the monitoring physician's quarterly reports are submitted to the BOARD on a timely basis;

Further, the monitoring physician shall otherwise monitor DOCTOR EXTEN and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR EXTEN shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR EXTEN must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR EXTEN shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore;

All monitoring physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR EXTEN's quarterly declaration. It is DOCTOR EXTEN's responsibility to ensure that reports are timely submitted;

#### **Rehabilitation Program**

14. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR EXTEN shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, no less than three (3) times per week. Substitution of any other specific program must receive prior BOARD approval;

DOCTOR EXTEN shall submit with each quarterly declaration required under Paragraph 2 of this CONSENT AGREEMENT acceptable documentary evidence of continuing compliance with this program;

#### **Aftercare**

15. DOCTOR EXTEN shall contact an appropriate impaired physicians committee, approved by the BOARD, to arrange for assistance in recovery or aftercare;
16. DOCTOR EXTEN shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, provided,

that where terms of the aftercare contract conflict with terms of this CONSENT AGREEMENT, the terms of this CONSENT AGREEMENT shall control;

**Releases**

17. DOCTOR EXTEN shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the BOARD, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations;

**Required Reporting by Licensee**

18. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR EXTEN shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR EXTEN shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments;
19. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR EXTEN 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 any professional license. DOCTOR EXTEN 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 any professional license or reinstatement of any professional license. Further, DOCTOR EXTEN shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt;

**VIOLATION OF PROBATIONARY TERMS**

20. Any violation of Paragraph 9 or Paragraph 10 of this CONSENT AGREEMENT shall constitute grounds to revoke or permanently revoke DOCTOR EXTEN's certificate. DOCTOR EXTEN agrees that the minimum discipline for such a violation shall include actual license

suspension. This paragraph does not limit the BOARD's authority to suspend, revoke or permanently revoke DOCTOR EXTEN's certificate based on other violations of this CONSENT AGREEMENT;

21. DOCTOR EXTEN AGREES that if any declaration or report required by this CONSENT AGREEMENT is not received in the BOARD's offices on or before its due date, DOCTOR EXTEN shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code;
22. DOCTOR EXTEN AGREES that if, without prior permission from the BOARD, he fails to submit to random screenings for drugs and alcohol at least as frequently as required by Paragraph 11 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the violation and shall refrain from practicing for thirty (30) days for the first instance of a single missed screen. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code; and,
23. DOCTOR EXTEN AGREES that if he fails to participate in an alcohol and drug rehabilitation program at least as frequently as required by Paragraph 14 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the violation, and shall refrain from practicing for fifteen (15) days following a first missed meeting. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

#### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR EXTEN 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 DOCTOR EXTEN has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR EXTEN agrees that the violation, as alleged, also constitutes clear and convincing evidence that his 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**

DOCTOR EXTEN shall not request termination of this CONSENT AGREEMENT for a minimum of five (5) years. In addition, DOCTOR EXTEN shall not request modification to the probationary terms, limitations and conditions contained herein for at least one (1) 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.

**ACKNOWLEDGMENTS/LIABILITY RELEASE**

DOCTOR EXTEN 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 EXTEN 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. 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 that it shall become effective upon the last date of signature below.

  
ROBERT EDWIN EXTEN, JR., M.D.

  
ANAND G. GARG, M.D.  
Secretary

December 6, 1999  
DATE (Robert E. Exten, Jr.)

  
\_\_\_\_\_  
Douglas E. Graff, Esq.  
Attorney for Dr. Exten

12/8/99  
DATE

  
\_\_\_\_\_  
RAYMOND J. ALBERT  
Supervising Member

Dec 7, 1999  
DATE

12/8/99  
DATE

  
\_\_\_\_\_  
ANNE B. STRAIT, ESQ.  
Assistant Attorney General

December 8, 1999  
DATE

**STEP I  
CONSENT AGREEMENT  
BETWEEN  
ROBERT EDWIN EXTEN, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

ROBERT EDWIN EXTEN, 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 STATE MEDICAL BOARD OF OHIO is empowered by Sections 4731.22(B)(10) and (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 “commission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed,” and “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 CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Sections 4731.22(B)(10) and (26), Ohio Revised Code, as set forth in Paragraphs E, F, and G 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. ROBERT EDWIN EXTEN, M.D., is licensed to practice medicine and surgery in the State of Ohio.
- D. DOCTOR EXTEN STATES that he is not licensed to practice medicine and surgery in any other state or jurisdiction.
- E. DOCTOR EXTEN ADMITS that he suffers from chemical dependency and that in August 1998, he entered treatment at Shepherd Hill Hospital, a Board approved treatment provider in Newark, Ohio.

DOCTOR EXTEN further ADMITS that he entered treatment for chemical dependency only after the Ohio State Board of Pharmacy began investigating multiple prescriptions that had been issued in the names of DOCTOR EXTEN's family members.

DOCTOR EXTEN further ADMITS that when he was interviewed by Pharmacy Board Agents in August 1998, he admitted that he was addicted to Vicodin ES and stated that he had been illegally obtaining prescriptions to support his addiction.

- F. DOCTOR EXTEN further ADMITS that he has been addicted to Vicodin ES since 1993; that he used an average of 12 to 20 Vicodin ES tablets per day; and that he used Ultram and Propoxyphene to self-treat pain associated with a lower back injury.

DOCTOR EXTEN further ADMITS that from 1993 through August 1998, he obtained controlled substances and dangerous drugs for his personal use by issuing prescriptions in the names of his family members; by forging the names of his family members to prescription blanks that had been pre-signed by another physician; by forging the names of his family members and the name of the alleged prescribing physician to prescription blanks; and by taking Vicodin ES samples from his office.

DOCTOR EXTEN STATES that the controlled substances and dangerous drugs that he obtained illegally were for his use only and that he did not provide controlled substances and dangerous drugs to any other individuals, including his family members.

- G. DOCTOR EXTEN further ADMITS that on November 24, 1998, in the Richland County Court of Common Pleas, Richland County, Ohio, he pleaded no contest to two (2) felony counts of Deception to Obtain a

Dangerous Drug, in violation of Section 2925.22(A), Ohio Revised Code, and was granted diversion to a probationary drug program.

### **AGREED CONDITIONS**

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

### **SUSPENSION OF CERTIFICATE**

1. The certificate of DOCTOR EXTEN to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than one (1) year;
2. DOCTOR EXTEN shall immediately surrender his United States Drug Enforcement Administration certificate;

### **Sobriety**

3. DOCTOR EXTEN 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 EXTEN's history of chemical dependency;
4. DOCTOR EXTEN shall abstain completely from the use of alcohol;

### **Releases; Quarterly Declarations and Appearances**

5. DOCTOR EXTEN 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 EXTEN'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 EXTEN 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.

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

#### Drug & Alcohol Screens; Supervising Physician

8. DOCTOR EXTEN shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR EXTEN 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 EXTEN shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR EXTEN 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 EXTEN 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 screens 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 EXTEN must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR EXTEN 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 EXTEN's quarterly declaration. It is DOCTOR EXTEN's responsibility to ensure that reports are timely submitted;

9. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR EXTEN shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, no less than three (3) times per week. Substitution of any other specific program must receive prior BOARD approval;

DOCTOR EXTEN shall submit with each quarterly declaration required under Paragraph 6 of this CONSENT AGREEMENT acceptable documentary evidence of continuing compliance with this program;

**CONDITIONS FOR REINSTATEMENT**

10. The BOARD shall not consider reinstatement of DOCTOR EXTEN's certificate to practice medicine and surgery unless and until all of the following conditions are met:
  - a. DOCTOR EXTEN shall submit an application for reinstatement, accompanied by appropriate fees, if any;
  - b. DOCTOR EXTEN 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 EXTEN 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 EXTEN'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 EXTEN shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the BOARD or, if the BOARD and DOCTOR EXTEN are unable to agree on the terms of a written CONSENT AGREEMENT, then DOCTOR EXTEN 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 EXTEN'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 EXTEN has maintained sobriety.

11. In the event that DOCTOR EXTEN 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 EXTEN's fitness to resume practice.

#### **REQUIRED REPORTING BY LICENSEE**

12. DOCTOR EXTEN 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 EXTEN shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.
13. Within thirty (30) days of the effective date of this Agreement, DOCTOR EXTEN 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.

#### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR EXTEN 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.

**ACKNOWLEDGMENTS/LIABILITY RELEASE**

DOCTOR EXTEN 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 EXTEN 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.

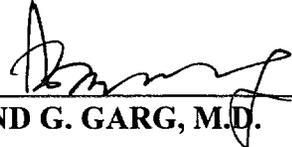
This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

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

**EFFECTIVE DATE**

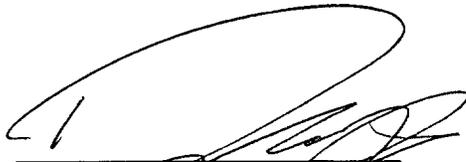
It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
\_\_\_\_\_  
ROBERT EXTEN, M.D.

  
\_\_\_\_\_  
ANAND G. GARG, M.D.  
Secretary

8 December 1998  
\_\_\_\_\_  
DATE

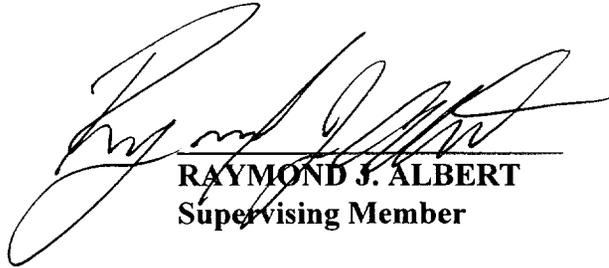
12/09/98  
\_\_\_\_\_  
DATE



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**DOUGLAS GRAFF, ESQ.**  
Attorney for Dr. Exten

12/8/98  
DATE



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**RAYMOND J. ALBERT**  
Supervising Member

12/7/98  
DATE



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**ANNE B. STRAIT, ESQ.**  
Assistant Attorney General

12/9/98  
DATE