

**CONSENT AGREEMENT
BETWEEN
DELORISE BROWN, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

DELORISE BROWN, M.D., enters into this AGREEMENT being fully informed of her rights under Ohio Revised Code Chapter 119, including the right to representation by counsel, and the right to a formal adjudication 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 Ohio Revised Code Section 4731.22(B) 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 violation of any of the enumerated subsections.
- B. The STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of further formal proceedings based upon the Notice of Opportunity for Hearing dated October 9, 1991, a copy of which is attached hereto as "Exhibit A" and incorporated herein, and expressly reserves the right to institute formal proceedings based upon any other violations of Ohio Revised Code Chapter 4731, whether occurring before or after the effective date of this AGREEMENT.
- C. DELORISE BROWN, M.D., is licensed to practice medicine and surgery in the State of Ohio.

- D. DELORISE BROWN, M.D., admits the factual and legal allegations as contained in the Notice of Opportunity for Hearing dated October 9, 1991, a copy of which is attached hereto as "Exhibit A" and incorporated herein.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter setforth, and in lieu of any further formal proceedings at this time, DELORISE BROWN, M.D., knowingly and voluntarily agrees with the STATE MEDICAL BOARD OF OHIO to the following terms, conditions, and limitations:

1. DR. BROWN'S certificate to practice medicine and surgery in the State of Ohio shall be suspended for one (1) year, effective upon execution of this CONSENT AGREEMENT by the BOARD. Such suspension shall be stayed for all but thirty days and the suspension will take effect July 1, 1992. DR. BROWN shall be eligible to resume practice July 31, 1992.
2. DR. BROWN'S certificate shall be subject to the following probationary terms, conditions, and limitations for a period of four (4) years;
 - a. DR. BROWN shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
 - b. DR. BROWN shall submit quarterly declarations under penalty of perjury, stating whether or not there has been compliance with all of the provisions of probation, a sample copy of which is attached hereto as "Exhibit B".
 - c. DR. BROWN shall appear in person for interviews before the full BOARD or its designated representative at three (3) month intervals, or as otherwise requested by the BOARD.
 - d. In the event that DR. BROWN should leave Ohio for three (3) consecutive months or reside or practice outside the State, she must notify the STATE MEDICAL BOARD in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.

- e. DR. BROWN shall immediately surrender her registration with the United States Drug Enforcement Administration to prescribe, dispense, or administer controlled substances. DR. BROWN shall be ineligible to reapply for or to hold registration with the United States Drug Enforcement Administration until further notice from the STATE MEDICAL BOARD OF OHIO. DR. BROWN shall not seek approval from the STATE MEDICAL BOARD for reinstatement of her registration with the United States Drug Enforcement Administration until twelve (12) months from the effective date of this AGREEMENT and until she has successfully completed the coursework described in subparagraph g and h below.
- f. DR. BROWN shall take the next SPEX exam offered by the STATE MEDICAL BOARD OF OHIO on June 18, 1992. If DR. BROWN does not pass the SPEX exam, her license shall immediately be suspended until she passes the SPEX exam.
- g. DR. BROWN shall attend, at her expense, the next available didactic and clinical sessions of the mini-residency entitled "The Proper Prescribing of Controlled Dangerous Substances," as offered by the University of Medicine and Dentistry of New Jersey, School of Osteopathic Medicine, or a similar course approved in advance by the BOARD. DR. BROWN shall provide acceptable documentation of successful completion of the course. This program shall be in addition to the continuing medical education requirements contained in Chapter 4731, Ohio Revised Code.
- h. DR. BROWN shall attend, at her expense, the next available "Workshop on Medical Records" or "Fundamentals of Patient Records," as offered by the College of Osteopathic Medicine of the Pacific or Medical College of Georgia, respectively, or a similar course approved in advance by the BOARD. DR. BROWN shall provide acceptable documentation of successful completion of the course. This program shall be in addition to the continuing medical education requirements contained in Chapter 4731, Ohio Revised Code.

DR. BROWN shall provide all employers and the Chief of Staff at each hospital where she has, applies for, or obtains privileges with a copy of this CONSENT AGREEMENT during the term of this CONSENT AGREEMENT.

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

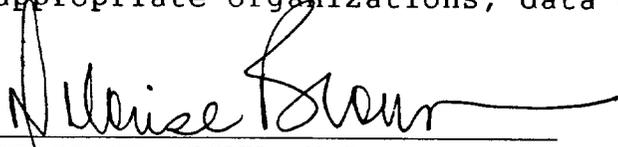
If, in the discretion of the STATE MEDICAL BOARD OF OHIO, DR. BROWN appears to have violated or breached any terms or conditions of this AGREEMENT, the STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this AGREEMENT. Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Ohio Revised Code Chapter 119.

DR. BROWN acknowledges that she 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.

DR. BROWN 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 Ohio Revised Code Section 149.43, and

shall become effective upon the last date of signature below.
Further, this information may be reported by the BOARD to
appropriate organizations, data banks and governmental bodies.



DELORISE BROWN, M.D.

5-28-92

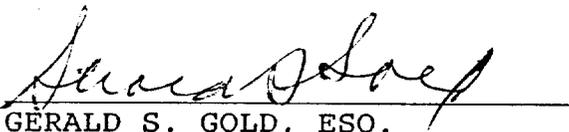
DATE



CARLA O'DAY, M.D.
SECRETARY,

6/5/92

DATE



GERALD S. GOLD, ESQ.
ATTORNEY FOR
DELORISE BROWN, M.D.

5-28-92

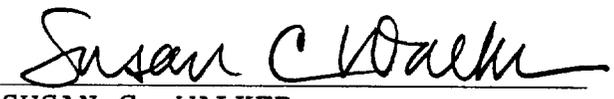
DATE



TIMOTHY S. JOST, ESQ.
SUPERVISING MEMBER

6/3/92

DATE



SUSAN C. WALKER
ASSISTANT ATTORNEY GENERAL

6/5/92

DATE

0426



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

October 9, 1991

Delorise Brown, M.D.
21750 South Woodland
East Cleveland, OH 44112

Dear Doctor Brown:

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) In the course of your practice, you frequently prescribed excessive and/or long-term controlled substances without utilization of diagnostic testing or other methods of evaluating the validity of the complaints or the nature or severity of the patients' reported pain, illness or injury, or without indication that such prescribing was warranted. This prescribing was frequently initiated without employing or exhausting other conservative measures or modalities. Furthermore, this prescribing was continued when you had knowledge of, or reasonable indications that patients suffered from drug or alcohol addictions or were at risk of developing such an addiction.

Instances of such practices include, but are not necessarily limited to, the following patients as identified in the attached Patient Key (Key to be withheld from public disclosure) as disclosed by the patient records and the prescriptions listed in Paragraph 2:

- (a) Patient 1: excessive and/or long-term prescribing of controlled substance narcotics and benzodiazapines;
- (b) Patient 2: excessive and/or long-term prescribing of controlled substance narcotics, narcotic analgesics, and benzodiazapines;
- (c) Patient 3: excessive and/or long-term prescribing of narcotics and benzodiazapines;
- (d) Patient 4: excessive and/or long-term prescribing of narcotics and narcotic analgesics;

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- (e) Patient 5: excessive and/or long-term prescribing of benzodiazapines and narcotic analgesics;
- (f) Patient 6: excessive and/or long-term prescribing of benzodiazapines;
- (g) Patient 7: excessive and/or long-term prescribing of benzodiazapines and narcotic analgesics;
- (h) Patient 8: excessive and/or long-term prescribing of benzodiazapines and narcotic analgesics; and
- (i) Patient 9: excessive and/or long-term prescribing of narcotic analgesics.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively constitute "failure to use reasonable care discrimination in the administration of drugs," and "failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease," as those clauses are used in Section 4731.22(B)(2), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively constitute "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," as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions occurring on or after November 17, 1986, as alleged in paragraph 1(a), (b) and (c) above, individually and/or collectively, constitute "(v)iolating 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," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-11-02(C), Ohio Administrative Code. Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, a violation of Rule 4731-11-02(C), Ohio Administrative Code, also violates Sections 4731.22(B)(2) and (6), Ohio Revised Code, and further, if such violation is committed purposely, knowingly, or recklessly, it also constitutes a violation of Section 4731.22(B)(3), Ohio Revised Code.

- (2) You issued the following prescriptions to patients which are not adequately documented in the patient records:

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<u>PATIENT NUMBER</u>	<u>DATE</u>	<u>CONTROLLED SUBSTANCE</u>	<u>AMOUNT</u>	<u>REFILLS</u>
1	03/29/89	Percocet	60	0
	04/20/89	Percocet	60	0
	06/06/89	Restoril 15 mg.	30	5
2	04/22/89	Phenergan w/Codeine	16 oz.	2
	04/22/89	Tylenol #4	30	0
	04/22/89	Percodan	15	0
	05/19/89	Tylenol #4	60	0
	05/19/89	Percodan	10	0
3	03/22/89	Tylenol #4	31	0
	04/19/89	Percodan	60	0
	05/06/89	Valium 10 mg.	60	4
	08/12/89	Valium 10 mg.	60	4
	08/12/89	Percodan	60	0
4	03/16/89	Percodan	30	0
	03/25/89	Percodan	40	0
	06/22/89	Percodan	15	0
5	06/07/89	Restoril 30 mg.	30	5
	09/15/89	Darvocet-N 100 mg.	60	4
	09/27/89	Dalmane 30 mg.	30	2
6	05/23/89	Valium 10 mg.	60	2
	05/23/89	Darvocet-N 100 mg.	60	2
	09/01/89	Darvocet-N 100 mg.	60	0
7	07/10/89	Fiorinal #3	20	0
8	04/21/89	Valium 10 mg.	60	4
	06/22/89	Demerol 100 mg.	60	0
	06/22/89	Valium 10 mg.	60	0
	07/28/89	Demerol 100 mg.	60	0
	09/05/89	Demerol 100 mg.	60	0
	09/05/89	Valium 10 mg.	60	0

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9	04/17/89	Phenergan w/Codeine	8 oz.	1
	04/19/89	Darvocet-N 100 mg.	60	3
	07/28/89	Tylenol #3	60	4
	07/28/89	Valium 10 mg.	60	4
	09/22/89	Tylenol #3	60	4
	09/22/89	Restoril 15 mg.	60	4
	10/06/89	Darvocet-N 100 mg.	60	2
10	03/13/89	Darvon 65 mg.	100	3
	03/29/89	Percodan	60	0
	05/12/89	Percodan	60	0
	05/27/89	Percodan	30	0
	06/23/89	Percodan	60	0
	08/14/89	Demerol 100 mg.	60	0
	08/24/89	Darvocet-N 100 mg.	60	4
	08/24/89	Restoril 15 mg.	30	2
11	09/30/88	Ritalin 20 mg.	240	0
	11/01/88	Ritalin 20 mg.	250	0
	11/29/88	Ritalin 20 mg.	225	0
	01/12/89	Ritalin 20 mg.	250	0
	02/07/89	Ritalin 20 mg.	200	0
	03/09/89	Ritalin 20 mg.	240	0

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively constitute "(v)iolating 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," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-11-02(D), Ohio Administrative Code. Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, a violation of Rule 4731-11-02(D), Ohio Administrative Code, also violates Sections 4731.22(B)(2) and (6), 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.

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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,



Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures:

CERTIFIED MAIL #P 055 328 562
RETURN RECEIPT REQUESTED

Delorise Brown, M.D.
21750 South Woodland
Beachwood, OH 44122

CERTIFIED MAIL NO. P 746 510 333
RETURN RECEIPT REQUESTED