

**STATE OF OHIO  
THE STATE MEDICAL BOARD**

**PERMANENT SURRENDER OF CERTIFICATE  
TO PRACTICE MEDICINE AND SURGERY**

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

I, Alfred G.E. Kitchen, M.D., do hereby voluntarily, knowingly, intelligently, and permanently surrender my certificate to practice medicine and surgery, No. 35-041199, to the State Medical Board of Ohio, thereby permanently relinquishing all rights to practice medicine and surgery in Ohio. This surrender shall be effective as of midnight, November 20, 1997.

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

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-041199 or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing of this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order revoking my certificate to practice medicine and surgery, No. 35-041199, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice medicine and surgery.

I certify that I do not hold a license or certificate to practice medicine in any other state. I stipulate and agree that I will not apply for or otherwise seek such licensure of certificate in any other state.

I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings in accordance with R.C. Chapter 119 and R.C. 4731.22 for the matters described in the Notice of Opportunity for Hearing dated July

Surrender of Certificate  
page 2

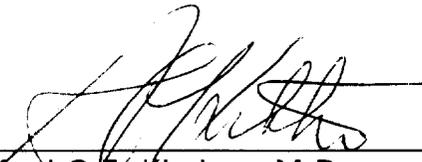
9, 1997 and the Notice of Opportunity for Hearing dated August 13, 1997. I further stipulate and admit the allegations in said Notices, which are attached hereto as State's Exhibits A and B respectively and incorporated herein by this reference.

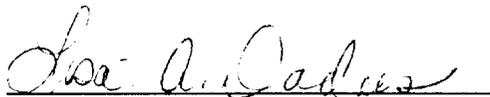
I, Alfred G.E. Kitchen, M.D., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

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

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

Signed this 14 day of November, 1997.

  
\_\_\_\_\_  
Alfred G.E. Kitchen, M.D.

  
\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

Sworn to and subscribed in my presence, this 14<sup>th</sup> day of November, 1993. 1997

  
\_\_\_\_\_  
NOTARY PUBLIC

LISA A. DADAS  
Notary Public, State of Ohio  
My Commission Expires 8-4-93

Surrender of Certificate  
page 3

(This form must be either witnessed OR notarized.)

Accepted by the State Medical Board of Ohio:



THOMAS E. GRETTER, M.D.  
Secretary

11/20/97  
DATE



RAYMOND J. ALBERT  
Supervising Member

11/20/97  
DATE

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

ALFRED G. E. KITCHEN, M.D. :

**ENTRY OF ORDER**

On November 14, 1997, Alfred G.E. Kitchen, M.D., executed a Voluntary Surrender of his Certificate to practice medicine and surgery with a consent to revocation, which document is attached hereto and fully incorporated herein.

In consideration of the foregoing and of Dr. Kitchen's express waiver of the provision of section 4731.22(B), Ohio Revised Code, requiring that six (6) Board members vote to revoke said certificate, it is hereby ORDERED that Certificate No. 35041199 authorizing Doctor Kitchen to practice medicine and surgery be permanently REVOKED, effective November 20, 1997.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the twentieth day of December, 1997, and the original thereof shall be kept with said Journal.

(seal)

  
Anand G. Garg, M.D.  
Secretary

12/23/97  
Date



# STATE MEDICAL BOARD OF OHIO

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

August 13, 1997

Alfred G.E. Kitchen, M.D.  
601 Sassafras Drive  
Vermillion, OH 44089

Dear Doctor Kitchen:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about July 10, 1996, you entered into a Consent Agreement with the State Medical Board of Ohio in lieu of formal proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code. In the Consent Agreement, you agreed to certain probationary terms, conditions, and limitations for a minimum period of two years from the effective date of the agreement. (A copy of the July 1996 Consent Agreement is attached hereto and incorporated herein.)
  - (a) Paragraph eight of the Consent Agreement required you to submit to urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board.

Paragraph eleven of the Consent Agreement required you to maintain participation in an alcohol and drug rehabilitation program no less than two (2) times per week.

In January 1997, you were advised that you had been non-compliant with your Consent Agreement because you had failed to submit to random urine screenings, and failed to participate in an alcohol and drug rehabilitation program during the weeks of December 16-21, 1996, and December 21-January 5, 1997. At the March 12, 1997, Board meeting, the Board adopted a motion that your six months of non-compliance should not apply to the reduction of your probationary term.

*Mailed 8/25/97*

- (b) Paragraph two of the Consent Agreement states that you “shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement.”

Nonetheless, you have failed to submit a quarterly declaration.

- (c) Paragraph three of the Consent Agreement states that you “shall appear in person for quarterly interviews before the Board or its designated representative, or as otherwise directed by the Board.”

Nonetheless, you failed to appear on July 10, 1997, for your scheduled probationary appearance.

- (d) Paragraph eight of the Consent Agreement requires that you submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board, and states that you “shall ensure that the supervising physician provides quarterly reports to the Board, on forms approved or provided by the Board, verifying whether all screens have been conducted in compliance with this Consent Agreement.”

Despite the provisions of paragraph eight, you have failed to submit to random urine screenings for drugs and alcohol on a weekly basis. In fact, the Board received a report dated July 8, 1997, from OPEP listing May 30, 1997, as the date upon which your last urine screening was administered. This report further stated that you had reported to OPEP that you would be leaving the country on June 9, 1997, to return some time in August 1997, and that you would be unavailable for toxicology testing due to your extensive travels.

- (e) Paragraph eleven of the Consent Agreement states:

Within thirty (30) days of the effective date of this Consent Agreement, Doctor Kitchen shall undertake

and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, approved in advance by the Board specifically for Doctor Kitchen, no less than two (2) times per week. Substitution of any specific program must receive prior Board approval;

Doctor Kitchen shall continue to participate in an Aftercare meeting at Glenbeigh of Rock Creek no less than one (1) time per week.

Doctor Kitchen shall submit with each quarterly declaration required under paragraph 2 of this Consent Agreement acceptable documentary evidence of continuing compliance with this program.

Notwithstanding the terms of paragraph eleven, you have failed to submit acceptable documentary evidence of continuing compliance with the requirement that you undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, no less than two (2) times per week, during the period from April 7, 1997, through June 30, 1997. You have also failed to submit acceptable documentary evidence of continuing compliance with the requirement that you continue to participate in an Aftercare meeting at Glenbeigh of Rock Creek no less than one (1) time per week, during the period from March 3, 1997, through June 30, 1997.

Your acts, conduct, and/or omissions as alleged in paragraphs (1)(b), (1)(c), (1)(d) and (1)(e) above, individually and/or collectively, constitute a "(v)iolation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must

Alfred G.E. Kitchen, M.D.

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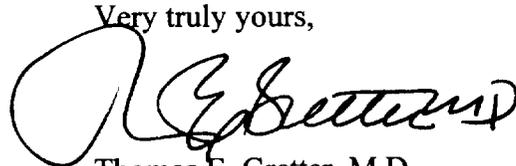
be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'T. E. Gretter', written in dark ink.

Thomas E. Gretter, M.D.

Secretary

TEG/caf  
Enclosures

CERTIFIED MAIL #P 152 984 805  
RETURN RECEIPT REQUESTED



# STATE MEDICAL BOARD OF OHIO

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

July 9, 1997

Alfred G.E. Kitchen, M.D.  
601 Sassafras Drive  
Vermillion, OH 44089

Dear Doctor Kitchen:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about July 10, 1996, you entered into Consent Agreement with the State Medical Board of Ohio in lieu of formal proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code. In the Consent Agreement you agreed to certain probationary terms, conditions, and limitations for a minimum period of two years from the effective date of the agreement. (A copy of the July 1996 Consent Agreement is attached hereto and fully incorporated herein.)
  - (a) Paragraph eight of the agreement required you to submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board.
  - Paragraph eleven of the agreement required you to maintain participation in an alcohol and drug rehabilitation program no less than two (2) times per week.

In January 1997, you were advised that you had been non-compliant with your Consent Agreement because you had failed to submit to random urine screenings, and failed to participate in an alcohol and drug rehabilitation program during the weeks of December 16-21, 1996, and December 21-January 5, 1997. At the March 12, 1997, Board meeting, the Board adopted a motion that your six months of non-compliance should not apply to the reduction of your probationary term.

*Mailed 7/10/97*

- (b) Paragraph seven of the 1996 Consent Agreement, required you to abstain completely from the use of alcohol.

On or about June 1, 1997, the Board received a report from the Ohio Physicians Effectiveness Program that on May 23, 1997, you submitted a urine for toxicology screen that tested positive for ethanol.

Your acts, conduct, and/or omissions as alleged in paragraph (1)(b) above, individually and/or collectively, constitute a "(v)iolation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraph (1)(b) above, individually and/or collectively, constitute "(i)mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

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

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

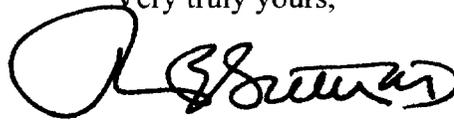
In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Alfred G.E. Kitchen, M.D.

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Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. E. Gretter". The signature is fluid and cursive, with a large initial "T" and "E".

Thomas E. Gretter, M.D.  
Secretary

TEG/dkt  
Enclosures

CERTIFIED MAIL # P152 984 726  
RETURN RECEIPT REQUESTED

**CONSENT AGREEMENT  
BETWEEN  
ALFRED G. E. KITCHEN, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

ALFRED G. E. KITCHEN, M.D., enters into this Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(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 "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 Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraph D 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. ALFRED G. E. KITCHEN, M.D., is licensed to practice medicine and surgery in the State of Ohio.
- D. ALFRED G. E. KITCHEN, M.D., ADMITS that he was evaluated at Glenbeigh Hospital of Rock Creek in Rock Creek, Ohio, a BOARD approved treatment facility, from June 20, 1995, to June 23, 1995, following an order from the STATE MEDICAL BOARD OF OHIO to submit to an examination under Section 4731.22 (B)(26), Ohio Revised Code.

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STATE MEDICAL BOARD  
OF OHIO

DOCTOR KITCHEN further ADMITS that, as a result of that evaluation, he was diagnosed with alcohol dependency by Glenbeigh Hospital of Rock Creek.

DOCTOR KITCHEN further ADMITS that the recommendation of Glenbeigh Hospital of Rock Creek was mandatory completion of an approved Intensive Outpatient Treatment program and ongoing attendance at an appropriate twelve-step meeting at least twice per week for one year.

DOCTOR KITCHEN STATES, and the STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES that DOCTOR KITCHEN received and successfully completed Intensive Outpatient Treatment at Glenbeigh Hospital of Rocky River, in Rocky River, Ohio, a BOARD approved treatment facility, from August 28, 1995, to October 16, 1995.

DOCTOR KITCHEN further STATES that the STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES that he has been complaint with his Aftercare program at Glenbeigh Hospital of Rocky River.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time ALFRED G. E. KITCHEN, 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 KITCHEN shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. DOCTOR KITCHEN 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 KITCHEN shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD.

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

4. In the event that DOCTOR KITCHEN should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR KITCHEN 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 KITCHEN is found by the Secretary of the Board to have failed to comply with any provision of this 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;
6. DOCTOR KITCHEN 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 KITCHEN's history of chemical dependency;
7. DOCTOR KITCHEN shall abstain completely from the use of alcohol;
8. DOCTOR KITCHEN shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR KITCHEN 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 KITCHEN shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR

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STATE MEDICAL BOARD  
OF OHIO

KITCHEN 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 KITCHEN 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 KITCHEN must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR KITCHEN shall further ensure that the previously designated supervising physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefor;

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 KITCHEN's quarterly declaration. It is DOCTOR KITCHEN's responsibility to ensure that reports are timely submitted;

9. The BOARD retains the right to require, and DOCTOR KITCHEN agrees to submit, blood or urine specimens for analysis upon request and without prior notice;
10. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR KITCHEN shall submit for the BOARD's prior approval the name of a monitoring physician, who shall monitor DOCTOR KITCHEN and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR KITCHEN 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 KITCHEN must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR KITCHEN shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefor;

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STATE MEDICAL BOARD  
OF OHIO

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

11. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR KITCHEN shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, approved in advance by the BOARD specifically for DOCTOR KITCHEN, no less than two (2) times per week. Substitution of any specific program must receive prior BOARD approval;

DOCTOR KITCHEN shall continue to participate in an Aftercare meeting at Glenbeigh Hospital of Rock Creek no less than one (1) time per week.

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

12. DOCTOR KITCHEN shall contact an appropriate impaired physicians committee, approved by the BOARD, to arrange for assistance in recovery or aftercare;
13. DOCTOR KITCHEN 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 Agreement, the terms of this Agreement shall control;
14. DOCTOR KITCHEN 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;
15. Within thirty (30) days of the effective date of this Agreement, DOCTOR KITCHEN 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. Further, DOCTOR KITCHEN shall provide a copy of this consent agreement to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the chief of staff at each hospital where he applies for or obtains privileges or appointments; and

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STATE MEDICAL BOARD  
OF OHIO

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

This Agreement shall remain in force for a minimum of two (2) years prior to any request for termination of said Agreement. Otherwise, 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 Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR KITCHEN 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.

If the Secretary and Supervising Member of the BOARD determine that there is clear and convincing evidence that DOCTOR KITCHEN has violated any term, condition or limitation of this CONSENT Agreement, DOCTOR KITCHEN 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(D), Ohio Revised Code.

DOCTOR KITCHEN 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 KITCHEN 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.

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STATE MEDICAL BOARD  
OF OHIO

CONSENT AGREEMENT  
ALFRED G. E. KITCHEN, M.D.  
PAGE 7

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and that it shall become effective upon the last date of signature below.

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

  
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ALFRED G. E. KITCHEN, M.D.

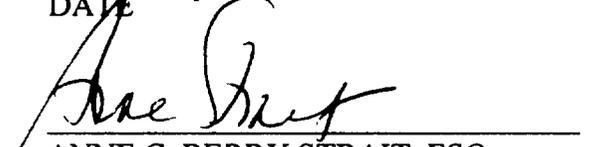
  
\_\_\_\_\_  
THOMAS E. GREYTER, M.D.  
Secretary

6/15/96  
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DATE

7/10/96  
\_\_\_\_\_  
DATE

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

7/10/96  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
ANNE C. BERRY STRAIT, ESQ.  
Assistant Attorney General

7/10/96  
\_\_\_\_\_  
DATE

STATE MEDICAL BOARD  
OF OHIO  
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