

**REQUEST FOR NON-PERMANENT WITHDRAWAL OF
APPLICATION FOR REINSTATEMENT OF MEDICAL LICENSURE
OF JEFFREY NAGY FADEL, M.D.,
CASE NO. 12-CRF-118**

I, Jeffrey Nagy Fadel, M.D., hereby request that my pending application for reinstatement of my certificate to practice medicine and surgery in the State of Ohio be withdrawn.

I, Jeffrey Nagy Fadel, M.D., hereby make this Request for Non-Permanent Withdrawal of Application for Reinstatement being fully informed of my 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.

I, Jeffrey Nagy Fadel, 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.

I stipulate and agree that I am taking the action herein in resolution of the Notice of Opportunity issued to me by the Board on or about November 14, 2012, a copy of which is attached hereto and incorporated herein. Further, I, hereby acknowledge that I remain subject to all of the terms, limitations, and conditions set forth in my prior disciplinary Step I Consent Agreement signed with this Board on or about June 14, 2006. Furthermore, I attest that I am currently in compliance with said Step I Consent Agreement.

It is understood and agreed that this Request for Non-Permanent Withdrawal of Application for Reinstatement is not a disciplinary action, but 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. I, Jeffrey Nagy Fadel, M.D., acknowledge that my social security number will be used if this information is so reported and agree to provide my social security number to the Board for such purposes.

EFFECTIVE DATE

It is expressly understood that this Non-Permanent Withdrawal of Application for Reinstatement 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.



JEFFREY NAGY FADEL, M.D.

4/25/13

DATE



J. CRAIG STRAFFORD, M.D., M.P.H.
Secretary

8 May 2013

DATE



L. CHAD ELDER
Attorney for Dr. Fadel

4/25/2013

DATE



MARK A. BECHTEL, M.D.
Supervising Member

8 May 2013

DATE



HEIDI WAGNER DORN
Assistant Attorney General

5/1/2013

DATE

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

November 14, 2012

(614) 466-3934
med.ohio.gov

Case number: 12-CRF- 118

Jeffrey Nagy Fadel, M.D.
2913 Waldoah Beach Rd.
Louisville, KY 40207

Dear Doctor Fadel:

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

- (1) On or about June 14, 2006, you entered into a Step I Consent Agreement with the Board [June 2006 Step I Consent Agreement], which suspended your certificate to practice medicine and surgery in Ohio for an indefinite period of time, but not less than one year, in lieu of formal proceedings based upon your violation of Sections 4731.22(B)(22), (B)(26), and (B)(10), Ohio Revised Code. To date, you remain subject to all terms, conditions, and limitations of the June 2006 Step I Consent Agreement.
- (2) On or about August 11, 2011, you caused to be submitted to the Board an Application for License Restoration – Medicine or Osteopathic Medicine [Restoration Application], which remains pending.

Despite your request for restoration of your certificate to practice medicine and surgery, you have failed to fulfill the requisite reinstatement conditions pursuant to Paragraph 10.b of the June 2006 Step I Consent Agreement. Specifically, you failed to provide certification demonstrating that you have completed the required inpatient treatment; evidence of continuing full compliance with a post-discharge aftercare contract; evidence of full compliance with the June 2006 Step I Consent Agreement; and three written reports indicating that your ability to practice has been assessed and that you have been found capable of practicing according to acceptable and prevailing standards of care.

As alleged in paragraphs (1) through (2) above, you have requested restoration of your certificate to practice medicine and surgery in Ohio, but you failed to fulfill the requisite conditions, as set forth in Paragraph 10.b of the June 2006 Step I Consent Agreement,

Mailed 11-15-12

that requires you to submit to the Board certification that you have completed the required inpatient treatment; evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25, Ohio Revised Code; evidence of continuing full compliance with the June 2006 Step I Consent Agreement; and three written reports, two of which are related to addiction evaluations and one psychiatric evaluation conducted in pursuit of such licensure reinstatement/restoration request, indicating that your ability to practice has been assessed and that you have been found capable of practicing according to acceptable and prevailing standards of care.

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 days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, 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 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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



J. Craig Strafford, M.D., M.P.H.
Secretary

Jeffrey Nagy Fadel, M.D.
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JCS/AMM/pev
Enclosures

CERTIFIED MAIL #91 7199 9991 7031 2767 5327
RETURN RECEIPT REQUESTED

**STEP I
CONSENT AGREEMENT
BETWEEN
JEFFREY NAGY FADEL, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Fadel 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:

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- A. The Board 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 for violation of Section 4731.22(B)(22), Ohio Revised Code, “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;” Section 4731.22(B)(26), Ohio Revised Code, “[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;” and/or Section 4731.22(B)(10), Ohio Revised Code, based upon “[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Section 4731.22(B)(22), (26) and (10), to wit: Section 2925.22, Ohio Revised Code, Deception to Obtain a Dangerous Drug, and Section 2925.23, Ohio Revised Code, Illegal Processing of Drug Documents, as set forth in Paragraphs E through G below. The Board expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Ohio Revised Code, whether occurring before or after the effective date of this Agreement.
- C. Dr. Fadel is licensed to practice medicine and surgery in the State of Ohio, License # 35-042885.

STEP I CONSENT AGREEMENT

JEFFREY NAGY FADEL, M.D.

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- D. Dr. Fadel further states that his license to practice medicine and surgery in Kentucky is inactive due to the disciplinary action discussed in detail below. Dr. Fadel also states that he has a license to practice medicine and surgery in Indiana, however it is expired.
- E. Dr. Fadel admits that on April 13, 2005, Burns M. Brady, M.D., Medical Director, Kentucky Physicians Health Foundation [Foundation], referred him for a residential assessment for substance abuse at Bradford Behavioral Health Systems [Bradford], Warrior, Alabama. Dr. Fadel further admits that upon completing said assessment, he was recommended for inpatient treatment for his diagnosis of opioid dependence. On April 27, 2005, Dr. Fadel entered the inpatient treatment program at Bradford.

Dr. Fadel admits that after he was discharged from Bradford, he entered into a treatment contract with the Foundation. Dr. Fadel further admits that he subsequently entered into an Agreed Order of Indefinite Restriction with the Kentucky Board, a copy of which is attached hereto.

- F. Dr. Fadel states that upon his completion of the inpatient treatment at Bradford, he returned to the Foundation and again met with Dr. Brady. Dr. Fadel admits that Dr. Brady referred him for a psychiatric evaluation with Dr. Walter Butler, who ultimately diagnosed Dr. Fadel as having a substance related mood disorder.
- G. Dr. Fadel further admits that on October 20, 2005, the Jefferson County Grand Jury for the Commonwealth of Kentucky issued an indictment, charging him with sixteen counts of Obtaining or Attempting to Obtain a Controlled Substance by Fraud or Deceit. Dr. Fadel further admits that these charges stem from his acts of writing prescriptions using the name and DEA number of another physician without that physician's knowledge or consent. Additionally, Dr. Fadel admits that while he issued prescriptions using the names of family members and friends as purported patient names, he was actually obtaining the prescriptions for his own use.

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. Fadel, knowingly and voluntarily agrees with The Board to the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Fadel to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than one year.

Sobriety

2. Dr. Fadel 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 Dr. Fadel's history of chemical dependency.
3. Dr. Fadel shall abstain completely from the use of alcohol.

Releases; Quarterly Declarations and Appearances

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4. Dr. Fadel 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 Dr. Fadel's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Fadel 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.
5. Dr. Fadel shall submit quarterly declarations under penalty of Board disciplinary action and/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, provided that if the effective date is on or after the sixteenth 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.
6. Dr. Fadel shall appear in person for an initial interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement and again within the ninety days immediately following any future request for reinstatement or restoration of his license, and/or as otherwise requested by the Board, except that subsequent personal appearances which would routinely occur every three months throughout the duration of Dr. Fadel's indefinite suspension period shall be waived by the Board provided that Dr. Fadel is otherwise in full compliance with this Consent

Agreement. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

Drug & Alcohol Screens; Supervising Physician

7. Dr. Fadel shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Fadel 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.

Dr. Fadel shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Within thirty days of the effective date of this Consent Agreement, Dr. Fadel shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Fadel 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 Dr. Fadel. Dr. Fadel and the supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Fadel shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, 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 or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Fadel must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Fadel shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her 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 Dr. Fadel's quarterly declaration. It is Dr. Fadel's responsibility to ensure that reports are timely submitted.

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8. The Board retains the right to require, and Dr. Fadel agrees to submit, blood or urine specimens for analysis at Dr. Fadel's expense upon the Board's request and without prior notice.

Rehabilitation Program

9. Within thirty days of the effective date of this Consent Agreement, Dr. Fadel shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Fadel shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Fadel's quarterly declarations.

CONDITIONS FOR REINSTATEMENT

10. The Board shall not consider reinstatement of Dr. Fadel's certificate to practice medicine and surgery until all of the following conditions are met:
 - a. Dr. Fadel shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Fadel 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 Dr. Fadel has successfully completed any required inpatient treatment.
 - ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with Rule 4731-16-10 of the Administrative Code.
 - iii. Evidence of continuing full compliance with this Consent Agreement.
 - iv. Three written reports indicating that Dr. Fadel's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care.

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Two reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Fadel. Prior to the assessments, Dr. Fadel shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Fadel, and any conditions, restrictions, or limitations that should be imposed on Dr. Fadel's practice. The reports shall also describe the basis for the evaluator's determinations.

One report shall be made by a psychiatrist, approved in advance by the Board, who shall conduct a psychiatric examination of Dr. Fadel. Prior to the examination, Dr. Fadel shall provide the psychiatrist with copies of patient records from any prior evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The report from the evaluating psychiatrist shall include the psychiatrist's diagnoses and conclusions; any recommendations for care, counseling, and treatment for the psychiatric diagnoses; any conditions, restrictions, or limitations that should be imposed on Dr. Fadel's practice; and the basis for the psychiatrist's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement.

- c. Dr. Fadel shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Fadel are unable to agree on the terms of a written Consent Agreement, then Dr. Fadel 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 Dr. Fadel'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. Moreover, upon termination of the consent agreement or Board Order, Dr. Fadel shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Fadel has maintained sobriety.

11. In the event that Dr. Fadel 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 Dr. Fadel's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

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12. Within thirty days of the effective date of this Consent Agreement, Dr. Fadel 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. Dr. Fadel 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, Dr. Fadel shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
13. Within thirty days of the effective date of this Consent Agreement, Dr. Fadel 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, Dr. Fadel 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.
14. Dr. Fadel shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Fadel chemical dependency treatment or monitoring.

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

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Fadel appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Fadel 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.

Dr. Fadel 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. Fadel acknowledges that his social security number will be used if this information is so reported and agrees to provide his 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.



JEFFREY NAGY FADEL, M.D.



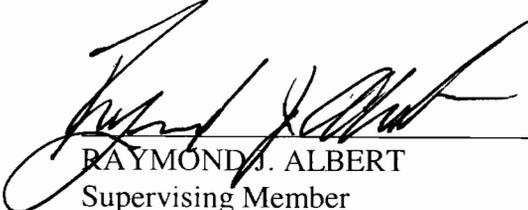
LANCE A. TALMAGE, M.D.
Secretary

6/6/07

DATE

6-14-06

DATE



RAYMOND J. ALBERT
Supervising Member

6/14/06

DATE

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ANGELA M. SCOTT
Enforcement Attorney

06/08/2006

DATE

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COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1013

FILED OF RECORD
AUG 11 2005

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY JEFFREY N. FADEL, M.D., LICENSE NO. 22556,
7822 OLD THIRD STREET ROAD, #105, LOUISVILLE, KENTUCKY 40272

AGREED ORDER OF INDEFINITE RESTRICTION

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and Jeffrey N. Fadel, M.D., and, based upon their mutual desire to fully and finally resolve the pending grievance without an evidentiary hearing, hereby ENTER INTO the following AGREED ORDER OF INDEFINITE RESTRICTION:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order of Indefinite Restriction:

1. At all relevant times, Jeffrey N. Fadel, M.D. (hereafter "the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is Orthopaedic Surgery.
3. Louisville Metro Narcotics notified the Board that on April 7, 2005, the licensee was arrested on multiple charges, including Forgery of Controlled Substance Blanks, Forgery of a Legend Drug prescription, and Unlawful Prescribing.
4. In a follow-up interview, a Metro Narcotics Sergeant reported that the licensee was writing prescriptions using the name and DEA number of his associate, David P. Rouben, M.D. The licensee was using his mother, wife, daughter and

friend as patient names, but he was obtaining the prescriptions for his own use.

The licensee provided a confession to the police at the time of his arrest.

5. Burns M. Brady, M.D., Medical Director, Kentucky Physicians Health Foundation (hereafter "the Foundation") provided an April 17, 2005 assessment from the Bradford Health Services.
6. The Bradford Health Services assessment diagnosed the licensee at Axis I with Opiod Dependence. The assessment recommended that the licensee complete a residential treatment program for healthcare professionals; engage in individual therapy post discharge; remain out of practice until released by his treatment team and the Kentucky Physicians Health Foundation to return; and be monitored by the Kentucky Physicians Health Foundation and comply with all conditions of his monitoring contract.
7. The licensee was admitted to residential treatment at Bradford Health Services on April 27, 2005. The licensee was discharged on June 24, 2005 with the Axis I diagnosis of Opiate Dependence. The discharge summary made the following recommendations:
 1. He will participate in individual/family therapy.
 2. He will obtain temporary sponsor in his area within two weeks of discharge from Bradford Health Services and will have obtained a permanent sponsor within one month.
 3. He will be monitored by the Kentucky Physicians Health Foundation and comply with all terms and conditions of his monitoring contract.
 4. He will remain out of practice until he has been released by the Kentucky Physicians Health Foundation to return to work.
8. The licensee was interviewed at the Board's office on April 13, 2005. The licensee provided the following response:

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Dr. Fadel stated that he had played basketball and injured his knee in college. Surgery had removed the cartilage in his knee and his knees had developed arthritis through the years. The arthritis pain was especially bothersome when Dr. Fadel stood for hours during surgery. Dr. Fadel was prescribed Lorcet 10mg following hernia surgery several years ago. He found that the medication helped his knee pain and allowed him to perform longer hours of surgery.

Dr. Fadel admitted that it was an error in judgment to treat himself. He saw no other specialist or primary care physician and never asked his associates to prescribe medication for him. Dr. Fadel's own specialty was the treatment of arthritis and he prescribed Lorcet 10mg for his mother's arthritis pain. Dr. Fadel treated himself with Vioxx samples and took some of his mother's Lorcet. He took two to three Lorcet 10mg, usually the day after he performed surgery. For approximately 18 months, Dr. Fadel continued to take some of the Lorcet that he prescribed for his mother and his wife, who has a bad back and on occasion also needed Lorcet for her pain.

Dr. Fadel stated that he developed heart disease about one year ago. He took himself off the Vioxx and slowly increased the number of Lorcet that he was taking. The pharmacy became uneasy taking prescriptions that he had written for his family members and the pharmacy resisted filling the prescriptions about six months ago. At the same time, Dr. Fadel had increased his workload and patient volume, and he went to two full days of surgery each week. Dr. Fadel found the Cox2 drugs either ineffective or he was unable to tolerate them. In November 2004, Dr. Fadel first pulled a blank prescription from Dr. Rouben's pad and forged Dr. Rouben's name.

Dr. Fadel estimated he took up to eight or twelve Lorcet on days following surgery and on the weekends. He does not believe the medication ever impaired him and his body adjusted to the increased dosage and got to the point that the medication was not effective. He continued to use Dr. Rouben's pad, forging his name for prescriptions for his mother, his wife and his daughter. He admits that he took the majority of the Lorcet, which he wrote for his mother and wife. The prescription, which he forged for Nikki, his daughter, was not written for any medical need, which she had. He used her name to obtain more medication with an insurance card. (His mother had no insurance to cover her prescriptions and Dr. Fadel was paying about \$200.00 for each prescription.)

Dr. Fadel stated that he used a friend's name as well to obtain medication as well. Dr. Fadel forged Dr. Rouben's name on a prescription for his friend, which Dr. Fadel picked up and used for himself.

Dr. Fadel states that he is in good standing at Jewish Hospital and has never been the subject of peer review or disciplinary action. He stopped taking Lorcet completely on the day he was arrested.

He reported that the knee pain is not bad when he does not operate. Dr. Fadel stated that he loved to perform surgery and would like to do more, but that he had pushed himself to his physical limits. He fears that if he went back to performing surgery, he would increase his need for pain medication. Dr. Fadel stated that he did not drink alcohol or take any other drugs.

9. On July 6, 2005, the licensee entered into a treatment contract with the Foundation.

10. Current Opinion 8.19 of the American Medical Association (AMA)'s Code of Ethics provides, in part,

Physicians generally should not treat themselves or members of their immediate families....

It would not always be inappropriate to undertake self-treatment or treatment of immediate family members. In emergency settings or isolated where there is no other qualified physician available, physicians should not hesitate to treat themselves or family members until another physician becomes available. In addition, while physicians should not serve as a primary or regular care provider for immediate family members, there are situations in which routine care is acceptable for short-term, minor problems.

Except in emergencies, it is not appropriate for physicians to write prescriptions for controlled substances for themselves or immediate family members.

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STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order of Indefinite Restriction:

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct, which violates KRS 311.595(6), (10) and KRS 311.595(9) as illustrated by KRS 311.597(1)

and (4). Accordingly, there are legal bases for disciplinary action against the licensee's Kentucky medical license.

3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve the pending grievance without an evidentiary hearing by entering into an informal resolution such as this Agreed Order of Indefinite Restriction.

AGREED ORDER OF INDEFINITE RESTRICTION

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and based upon their mutual desire to fully and finally resolve this pending grievance without an evidentiary hearing, the parties hereby ENTER INTO the following

AGREED ORDER OF INDEFINITE RESTRICTION:

1. The license to practice medicine in the Commonwealth of Kentucky held by Jeffrey N. Fadel, M.D., is RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME;
2. During the effective period of this Agreed Order of Indefinite Restriction, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RESTRICTION/LIMITATION:
 - a. The licensee SHALL NOT perform any act which constitutes "the practice of medicine," as that term is defined in KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities – unless approved to do so by the Panel;

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- b. The Panel will not consider a petition to resume the active practice of medicine unless it is accompanied by a favorable recommendation by the Medical Director, Kentucky Physicians Health Foundation (the Foundation), which shall include:
- i. a copy of his contract with the Foundation;
 - ii. a copy of the discharge summary from any treatment facility or program attended by the licensee;
 - iii. if not included in that discharge summary, a statement of all aftercare requirements for the licensee;
 - iv. an assessment from the Foundation's Medical Director that the licensee may safely resume the active practice of medicine without undue risk or danger to patients or the public; and
 - v. a report from the Foundation's Medical Director of the licensee's compliance with his Foundation contract.
- c. If the licensee should petition the Panel for reinstatement of his medical license, the burden shall be upon him to satisfy the Panel that he is presently of good moral character and qualified both physically and mentally to resume the practice of medicine without undue risk or danger to his patients or the public. If the Panel should permit the licensee to resume the active practice of medicine, it will do so by appropriate order, which shall include all terms and conditions deemed appropriate by the Panel following their review of the information available. These terms shall include but are not limited to the following:
- i. The licensee SHALL maintain his contractual relationship with the Foundation and shall fully comply with all terms of that contractual relationship;
 - ii. The licensee SHALL submit to observed, random drug screens and alcohol determinations as directed by the Foundation and/or the Board or its agent(s), the purpose being to ensure that the licensee remains drug and/or alcohol-free. The cost of such blood, urine and breathalyzer alcohol and/or drug analyses and reports will be borne by the licensee, which costs shall be paid within thirty (30)

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days after the date of the invoice therefore. Failure to make timely payment of such costs, to comply with the conditions set by the Board or its agent(s) regarding the collection of specimens, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Agreement;

- d. The licensee shall completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. Any such medical treatment and prescribing shall be reported directly to the Board in writing by the treating physician within ten (10) days after the date of treatment. The licensee must inform the treating physician of this responsibility and ensure timely compliance. Failure to inform the treating physician of this responsibility shall be considered a violation of this Agreed Order of Indefinite Restriction;
 - e. The licensee shall inform the Board of any change in status of his pending criminal charges. Specifically, the licensee shall report a criminal indictment, any resolution of criminal charges through plea of guilty or dismissal of charges or any other change in the status of the pending criminal charges.
3. The licensee expressly agrees that, if the licensee should violate any term or condition of this Agreed Order of Indefinite Restriction, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that, if the Board should receive information that he has violated any term or condition of this Agreed Order of Indefinite Restriction, the Panel Chairperson is authorized

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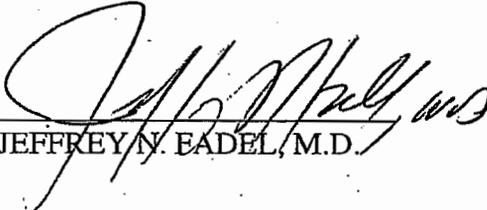
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by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order of Indefinite Restriction;

- 4. The licensee understands and agrees that any violation of the provisions of this Agreed Order of Indefinite Restriction may serve as the basis for additional disciplinary action against his Kentucky medical license, pursuant to KRS 311.595(13), including revocation of his medical license.
- 5. The licensee and the Board acknowledge and agree that entry of this Agreed Order of Indefinite Restriction does not preclude the Board from taking further action if the pending criminal charges result in a conviction or the Board receives a report(s) of any additional violations not the subject of this Board action.

SO AGREED on this 29 day of July, 2005.

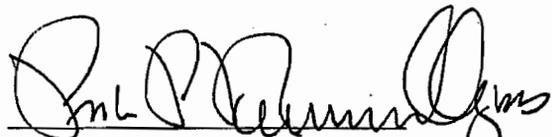
FOR THE LICENSEE:



 JEFFREY N. EADEL, M.D.


DON H. MAJOR, ESQ.
COUNSEL FOR DR. FADEL

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OF OHIO
FOR THE BOARD:
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PRESTON P. NUNNELLEY, M.D.
CHAIR, INQUIRY PANEL B


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ENTERED: 8/11/05