

**CONSENT AGREEMENT
BETWEEN
GEORGE R. VANDENBARK, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

GEORGE R. VANDENBARK, M.D., voluntarily 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 contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise which varies the terms of this CONSENT AGREEMENT.

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)(5) and (B)(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 "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees", and for "soliciting patients or publishing a false, fraudulent, deceptive or misleading statement."
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of further formal proceedings based upon the violation of Section 4731.22(B)(22), to wit: Section 4731.22(B)(19) and/or (B)(26), Ohio Revised Code, as set forth in the Notice of Opportunity for Hearing issued by the BOARD on November 3, 1993, attached hereto as Exhibit A and incorporated herein by reference. The BOARD expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731 of the Revised Code, whether occurring before or after the effective date of this AGREEMENT.

- C. **GEORGE R. VANDENBARK, M.D.**, is licensed to practice medicine and surgery in the State of Ohio.

- D. **DOCTOR VANDENBARK** admits that on or about January 8, 1993, he entered into a **CONSENT AGREEMENT** with the Louisiana State Board of Medical Examiners issuing him a conditional license to practice in Louisiana. (A copy of the Consent Order is attached hereto as Exhibit B and fully incorporated herein.) The Order found that he had suffered alcohol abuse and dependence and that his condition worsened until he voluntarily sought treatment at a center in North Carolina in August of 1992, where he was diagnosed with alcohol dependency and major depression.

DOCTOR VANDENBARK admits that upon such findings and conclusions, the Louisiana State Board of Medical Examiners issued him a license to practice medicine in Louisiana that was contingent upon his strict compliance with the terms of the Louisiana Consent Order. To date, **DOCTOR VANDENBARK** has maintained compliance with the Louisiana Consent Order.

- E. **DOCTOR VANDENBARK** admits that he did not advise the **BOARD** in June, 1992 of his alcohol dependence because he did not recognize the dependence at that time.

- F. **DOCTOR VANDENBARK** further states that he has been abstinent from drugs/alcohol since August of 1992.

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

- 1. **DOCTOR VANDENBARK's** certificate to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time. Such suspension is **STAYED**, subject to the following **PROBATIONARY** terms, conditions and limitations for a period of at least two (2) years:

- a. DOCTOR VANDENBARK shall obey all federal, state and local laws, and rules governing the practice of medicine in Ohio;
- b. DOCTOR VANDENBARK 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;
- c. DOCTOR VANDENBARK shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD;
- d. In the event DOCTOR VANDENBARK should leave Ohio for three (3) consecutive months, or reside or practice outside the State, DOCTOR VANDENBARK 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;
- e. In the event DOCTOR VANDENBARK 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 periods of noncompliance will not apply to the reduction of the probationary period under this CONSENT AGREEMENT;
- f. DOCTOR VANDENBARK 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 VANDENBARK's history of chemical dependence;
- g. DOCTOR VANDENBARK shall abstain completely from the use of alcohol;

- h. The BOARD retains the right to require, and DOCTOR VANDENBARK agrees to submit, blood and/or urine analysis upon request and without prior notice;
- i. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR VANDENBARK shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, or any other program approved in advance by the BOARD specifically for DOCTOR VANDENBARK, no less than three (3) times per week. Substitution of any specific program must receive prior BOARD approval. At his appearances before the BOARD of its designated representative, DOCTOR VANDENBARK shall submit acceptable documentary evidence of continuing compliance with this program;
- j. DOCTOR VANDENBARK shall maintain continued compliance with the terms of the *North Carolina Physicians Health & Effectiveness Program Treatment Plan Contract*, effective September 15, 1992, and the *Louisiana State Medical Society Impaired Physicians Program Substance Abuse Treatment Contract*, effective November 12, 1992, and the terms of these agreements are specifically incorporated into this CONSENT AGREEMENT to the extent they are not in conflict;
- k. DOCTOR VANDENBARK shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment providers 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;
- l. DOCTOR VANDENBARK shall immediately notify the BOARD of his failure to comply with the CONSENT AGREEMENT in effect in Louisiana.

- m. Within thirty (30) days of the effective date of this Agreement, DOCTOR VANDENBARK shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services, research duties or training as well as the Chief of Staff at each hospital where he has, applies for, or obtains privileges or appointments.

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this AGREEMENT shall remain in force for a minimum of two (2) years prior to any request for termination of said CONSENT AGREEMENT.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR VANDENBARK appears to have violated or breached any of the 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.

DOCTOR VANDENBARK 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 Procedures Act, Chapter 119, Ohio Revised Code.

DOCTOR VANDENBARK 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. 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.

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

STATE MEDICAL BOARD OF OHIO

George R. Vandenburg M.D.
GEORGE R. VANDENBARK, M.D.

By: Carla S. O'Day
CARLA S. O'DAY, M.D.
Secretary

3/25/94
DATE

4/13/94
DATE

KP BYERS
KEVIN P. BYERS, ESQ.
Attorney for
DR. VANDENBARK

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member

4/4/94
DATE

4/13/94
DATE

Lili C. Kaczmarek
LILI C. KACZMAREK
Assistant Attorney General

4-13-94
DATE



STATE MEDICAL BOARD OF OHIO

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

November 3, 1993

George Richard Vandenkark, M.D.
2612 Douglas Drive
Bossier City, LA 71111

Dear Doctor Vandenkark:

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 January 8, 1993, you entered into a Consent Order with the Louisiana State Board of Medical Examiners (a copy of which is attached hereto and fully incorporated herein) issuing you a conditional license to practice medicine in Louisiana. The Order found that you had suffered from alcohol abuse and dependence and that your condition worsened until you "voluntarily sought treatment" at a Center in North Carolina in August of 1992, where you were diagnosed with alcohol dependency and major depression. Upon such findings and conclusions, the Louisiana State Board of Medical Examiners issued you a license to practice medicine in Louisiana that was contingent upon your strict compliance with the terms of the Consent Order.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively constitute "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22(B)(19) and/or (B)(26), Ohio Revised Code.

- (2) On or about June 5, 1992, you signed a Renewal Application (a copy of which is attached hereto and fully incorporated herein) for the current biennium for your certificate to practice medicine and surgery in Ohio certifying that the information was true and correct in every respect.

Mailed 11/4/93

November 3, 1993

a) In response to the question:

At any time since signing your last application for renewal of your certificate have you been addicted to or dependent upon alcohol or any chemical substance; or been treated for, or been diagnosed as suffering from, drug or alcohol dependency or abuse?,

You answered "No."

In fact, on or about January 8, 1993, you entered into a Consent Order (a copy of which is attached hereto and fully incorporated herein) with the Louisiana State Board of Medical Examiners which stated in part "Dr. Vandenkark has suffered in the past from alcohol abuse and dependence. His dependency deepened over a number of years until he recently voluntarily sought treatment at the Charter House Drug Rehabilitation Center, Raleigh, North Carolina, where he was admitted on August 21, 1992, with a diagnosis of alcohol dependence and major depression."

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), 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.

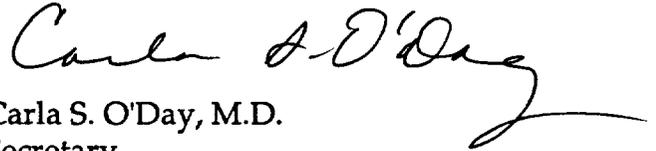
In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate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

George Richard Vandenberg, M.D.
Page 3

November 3, 1993

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in cursive script, reading "Carla S. O'Day". The signature is written in black ink and is positioned above the typed name and title.

Carla S. O'Day, M.D.
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 348 885 005
RETURN RECEIPT REQUESTED

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



830 Union Street, Suite 100
Telephone: (504) 524-6763
FAX (504) 568-8893
New Orleans, LA 70112-1499

93 APR -8 PM 11:07
STATE BOARD OF MEDICAL EXAMINERS

-----X
: **In Re:** :
: :
: **Application of** :
: **GEORGE R. VANDENBARK, M.D.** : **CONSENT ORDER**
: **For Medical Licensure** : **FOR ISSUANCE OF**
: : **MEDICAL LICENSE**
: :
-----X

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of George Richard Vandenkark, M.D., Ph.D. ("Dr. Vandenkark"), for a license to practice medicine in the state of Louisiana, on the basis of reciprocity with the State of Ohio. Dr. Vandenkark, 42 years of age, holds a doctor of medicine degree awarded in 1978 by Ohio State University College of Medicine, a doctorate in biochemistry awarded in 1989 by Case Western Reserve University, and is a diplomate of the American Board of Internal Medicine, having completed a residency in internal medicine at the Ohio State University Hospitals. He currently holds a license to practice medicine in the states of North Carolina and Ohio, where he was originally licensed in 1980 on the basis of National Board examinations, but seeks licensure in Louisiana to accept a position as Associate Professor in the Department of Medicine, Section of Hematology-Oncology, of the Louisiana State University School of Medicine in Shreveport, Louisiana.

While it appears from information available to the Board, as supplied by Dr. Vandenkark's application and otherwise, that the physician is generally qualified for licensure, Dr. Vandenkark has suffered in the past from alcohol abuse and dependence. His dependency deepened over a number of years until he recently voluntarily sought treatment at the Charter House Drug Rehabilitation Center, Raleigh, North Carolina, where he was admitted on August 21, 1992, with a diagnosis of alcohol dependence and major depression. His treatment, including detoxification and chemical dependency group therapy, was reported as successful and his condition good upon discharge, September 18, 1992, to continuing aftercare sponsored by the North Carolina Physicians Health and Effectiveness Program ("NCPHEP"). In a Treatment Plan Contract with NCPHEP dated September 16, 1992, and extending for a term of three years, among other stipulations, Dr. Vandenkark committed to attendance at 90 Alcoholics Anonymous ("AA") meetings during the 90 days following his discharged from inpatient treatment, four meetings a week for the succeeding year, three meetings weekly thereafter and regular contact with his NCPHEP monitor.

Dr. Vandenkark's longstanding difficulties with alcoholism could provide legally sufficient cause for the Board to deny his application for a medical license in this state, pursuant to La. Rev. Stat. §

37:1285(A)(5). From the information obtained and considered, however, it appears that the Applicant's treatment and rehabilitation for such condition has been successful to date, that he continues to participate in ongoing aftercare, and that, so long as he continues with such treatment, his prognosis is good. In reaching such conclusions, the Board is impressed with the opinions and recommendations of the Medical Director of the NCPHEP who observes that Dr. Vandembark "has displayed good progress and an excellent attitude" and is therefore considered a "good candidate for a Louisiana license."¹ Dr. Vandembark's application is also endorsed by the Director of the Louisiana State Medical Society Impaired Physicians Program who offered the assistance of the Impaired Physicians Committee of the Shreveport Medical Society in furthering Dr. Vandembark's aftercare treatment program.²

Based on such recommendations, and upon its review of the records of the physician's rehabilitation treatment, upon the information and circumstances presented, the Board is persuaded that the public interest will be properly protected and served by the issuance to Dr. Vandembark of a license to practice medicine in Louisiana, subject to his acceptance of and strict compliance with certain terms and conditions, as set forth hereinafter. And by his subscription hereto, Dr. Vandembark hereby consents to entry of the Order set forth below and to the issuance of licensure pursuant thereto. Accordingly,

IT IS ORDERED that a license to practice medicine in the state of Louisiana shall be issued to George R. Vandembark, M.D.; provided, however, that the issuance of such license and Dr. Vandembark's continuing maintenance of such license shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms and conditions:

(a) **Compliance with NCPHEP Treatment Contract.** Dr. Vandembark shall maintain strict compliance with each and all of the terms, conditions and provisions specified in the Treatment Plan Contract dated September 15, 1992, between Dr. Vandembark and the North Carolina Physicians Health & Effectiveness Program ("NCPHEP"), so long as such contract remains in effect. To the extent that continuing compliance with any of the terms or conditions of such Treatment Plan Contract is inconsistent with or impractical in light of the physician's relocation to and practice of medicine in Louisiana, it shall be Dr. Vandembark's responsibility to seek and obtain the written waiver of any such term or provision by the NCPHEP and to cause the NCPHEP to furnish the Board with a copy of such waiver.

(b) **Participation in Impaired Physicians Program.** Within 10 days of the entry of this Order, Dr. Vandembark, if he has not already done so, shall contact the Impaired Physicians Committee of the Shreveport Medical Society (the "Shreveport IPC") and shall enter into a Treatment Contract with the Shreveport IPC providing for his continuing aftercare and participation in Alcoholics Anonymous and/or Caduceus Club programs for a period of not less than three years from the effective date of such Treatment Contract. Within five days of signing such Treatment Contract, Dr. Vandembark shall furnish or cause to be furnished to the Board a complete and accurate copy of such Treatment Contract, and he shall thereafter comply in all respects with each and all of the terms, conditions and provisions of such Treatment Contract. Dr. Vandembark shall further authorize his treating and monitoring physicians as designated in such Treatment Contract, to furnish the Board, not less frequently than quarterly during the term of such contract, with written reports on Dr. Vandembark's compliance with the terms of the Treatment Contract.

¹Letter, R. C. Vanderberry, M.D., Med. Dir., N. C. Phys. Health & Effectiveness Prog., to D. Rorison, Exec. Dir., La. State Bd. Med. Exam. (Oct. 2, 1992).

²Letter, E. Hoffman, Ph.D., Director, Impaired Phys. Prog., La. State Med. Soc'y, to D. Rorison, Exec. Dir., La. State Bd. Med. Exam. (Oct. 1, 1992).

DETACH HERE AND REMIT THIS PORTION WITH FEE



STATE MEDICAL BOARD OF OHIO
77 SOUTH HIGH STREET, 17TH FLOOR, COLUMBUS, OHIO 43266 - 0315

MD & DO SPECIALTY CODES CURRENTLY ON RECORD

26 INTERNAL MEDICINE
22 HEMATOLOGY
41 ONCOLOGY

IF THE SPECIALTY CODE(S) ARE IN ERROR, ENTER ALL SPECIALTY CODE NUMBERS. CODE1 CODE2 CODE3

CHANGE OF ADDRESS

STREET _____
STREET _____
CITY _____ STATE _____ ZIP CODE _____
COUNTY _____

CERTIFICATION
I CERTIFY, UNDER PENALTY OF LOSS OF MY RIGHT TO PRACTICE IN THE STATE OF OHIO, THAT I HAVE COMPLETED DURING THE LAST BIENNIUM THE REQUISITE HOURS OF CONTINUING MEDICAL EDUCATION CERTIFIED BY THE OHIO STATE MEDICAL ASSOCIATION AND APPROVED BY THE STATE MEDICAL BOARD, AND THAT THE INFORMATION PROVIDED ON THIS APPLICATION FOR RENEWAL IS TRUE AND CORRECT IN EVERY RESPECT.
George R. Vandenburg 4/5/92
(SIGNATURE OF APPLICANT) (DATE)

IDENTIFICATION NUMBER AMOUNT DUE DATE DUE
GEORGE RICHARD VANDENBARK, M.D.
15 WARBLER LANE
DURHAM NC 27712
\$160.00 07/01/92

96969696 20

0935044901# 0000016000#

PRINCIPAL PRACTICE ADDRESS - IF DIFFERENT FROM THE ADDRESS SHOWN ON FRONT:

STREET _____
STREET _____
CITY _____ STATE _____ ZIP CODE _____
COUNTY _____

HAVE YOU BEEN FOUND GUILTY OF, OR PLEADED GUILTY OR NO CONTEST TO:

- A.) A felony or misdemeanor. YES NO
- B.) A federal or state law regulating the possession, distribution or use of any drug? YES NO

AT THE TIME SINCE SIGNING YOUR LAST APPLICATION FOR RENEWAL OF YOUR CERTIFICATE HAVE YOU:

- 1.) Been addicted to or dependent upon alcohol or any chemical substance; or been treated for, or been diagnosed as suffering from; drug or alcohol dependency or abuse? You may answer "no" to this question if you have successfully completed treatment at a program approved by this board and have subsequently adhered to all statutory requirements as contained in section 4731.224, O.R.C., and related provisions, or you are currently enrolled in a board approved program. Any questions concerning approval can be directed to the board offices. YES NO

- 2.) Had a license denied by or had any disciplinary action taken or initiated against you by any state licensing board other than the State Medical Board of Ohio? YES NO
- 3.) Surrendered, or consented to limitation upon: a) A license to practice medicine; OR b) State or federal privileges to prescribe controlled substances? YES NO

- 4.) Had any clinical privileges suspended, limited or revoked for reasons other than failure to maintain records or attend staff meetings? YES NO

ATD 44 87110
SOCIAL SECURITY NUMBER
(Optional for purposes of identification)