

**CONSENT AGREEMENT  
BETWEEN  
SANDRA K. HAREWOOD, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Harewood enters into this Consent Agreement being fully informed of her rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

**BASIS FOR ACTION**

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board 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 Board 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 Paragraphs F through J 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 Consent Agreement.
- C. Dr. Harewood's license to practice medicine and surgery in the State of Ohio, License #35.045538 was revoked pursuant to Board Order on or about October 13, 2004, a copy of which is attached hereto and fully incorporated herein.
- D. Dr. Harewood states that she was licensed to practice medicine and surgery in Nebraska, but that license was placed on inactive status at her request in 1994, and she is not currently licensed to practice medicine and surgery in any other state or jurisdiction.

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- E. Dr. Harewood submitted an Application for Certificate – Medicine or Osteopathic Medicine to the Board on or about January 31, 2007, which remains pending.
- F. Dr. Harewood admits that she entered treatment for alcohol dependency and major depression at The Cleveland Clinic Foundation [Cleveland Clinic], a Board-approved treatment provider in Cleveland, Ohio, on or about April 23, 2004, and that she was discharged treatment complete following completion of a 35-day residential program on or about May 27, 2004. Dr. Harewood states that her sobriety date is March 23, 2004.
- G. Dr. Harewood states and the Board acknowledges receipt of information to support that she remained compliant with the terms of her treatment and recovery contract with the Cleveland Clinic which was effective from on or about May 26, 2004, to May 26, 2006; with the terms of her advocacy contract with the Ohio Physician Health Program [OPHP], since April 23, 2004, which was updated and is effective from on or about May 21, 2007, to May 21, 2012; that she has continued to attend Alcoholics Anonymous [A.A.] and Caduceus meetings since May 2004; and that since April 2004, she has submitted weekly random urine screens, including additional random testing of the urine specimens monthly for ethyl glucuronide, all of which have been negative.
- H. Dr. Harewood states and the Board acknowledges that Alvin Pelt, M.D., Medical Director of Maryhaven, a Board-approved treatment provider, in Columbus, Ohio, and that David Goldberg, D.O., Medical Director of Greene Hall, a Board-approved treatment provider in Xenia, Ohio, provided written reports indicating that Dr. Harewood's ability to practice has been assessed and that she has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place.
- I. Dr. Harewood states and the Board acknowledges that her treating psychiatrists, J. Scott Wilson, M.D., and David Bienenfeld, M.D., both of the Department of Psychiatry, Wright State University, in Dayton, Ohio, evaluated Dr. Harewood and submitted a report to the Board on or about May 16, 2007, indicating that Dr. Harewood diagnoses included adjustment disorder chronic – resolved, major depressive disorder in full remission, and alcohol dependence in full sustained remission; that Dr. Harewood was not prescribed any psychotropic or other medications at any point during her treatment; that Dr. Harewood has been compliant with her treatment plan, which consisted of psychotherapy from March 23, 2005 until concluding a planned termination on May 11, 2007; and that Dr. Harewood's ability to practice medicine and surgery has been assessed and she has been found capable of practicing according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place.
- J. Dr. Harewood admits that she has not been actively engaged in the practice of medicine and surgery since on or about August 2, 2002. Dr. Harewood states, and the Board acknowledges receipt of information to support that on December 7, 2007, Dr.

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Harewood passed the Special Purpose Examination [SPEX] administered by the Federation of State Medical Boards.

### **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. Harewood shall be GRANTED a certificate to practice medicine and surgery in the State of Ohio, upon receipt of all necessary and appropriate documentation, and Dr. Harewood knowingly and voluntarily agrees with the Board that said certificate to practice medicine and surgery shall be subject to the following PROBATIONARY terms, conditions and limitations:

1. Dr. Harewood shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Harewood 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 this Consent Agreement becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Harewood shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. Dr. Harewood shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
5. In the event Dr. Harewood is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

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## MONITORING OF REHABILITATION AND TREATMENT

### Drug Associated Restrictions

6. Dr. Harewood shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, thirty days prior to Dr. Harewood's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Harewood shall make her patient records with regard to such prescribing available for review by an agent of the Board upon request.
7. Dr. Harewood shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Harewood to administer or personally furnish controlled substances, Dr. Harewood shall keep a log of all controlled substances prescribed, administered or personally furnished. Such log shall be submitted in the format approved by the Board thirty days prior to Dr. Harewood's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Harewood shall make her patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board upon request.

### Sobriety

8. Dr. Harewood shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to her by another so authorized by law who has full knowledge of Dr. Harewood's history of chemical dependency.
9. Dr. Harewood shall abstain completely from the use of alcohol.

### Drug and Alcohol Screens/Supervising Physician

10. Dr. Harewood shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Harewood 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. Additionally, at least two of every six urine specimens, selected on a random basis, shall be tested for ethyl glucuronide.

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

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Before engaging in any medical practice, Dr. Harewood shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Dr. Harewood 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. Harewood. Dr. Harewood 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. Further, the supervising physician shall ensure that additional testing of urine specimens for ethyl glucuronide is done on a random basis to include at least two out of every six urine specimens.

The Board expressly reserves the right to disapprove any person or entity proposed to serve as Dr. Harewood's designated supervising physician, or to withdraw approval of any person or entity previously approved to serve as Dr. Harewood's designated supervising physician, in the event that the Secretary and Supervising Member of the Board determine that any such supervising physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Dr. Harewood 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. Harewood must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Harewood 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. Harewood's quarterly declaration. It is Dr. Harewood's responsibility to ensure that reports are timely submitted.

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

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upon request of the Board shall result in a minimum of one year of actual license suspension.

### **Monitoring Physician**

12. Before engaging in any medical practice, Dr. Harewood shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Harewood and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Harewood and her medical practice, and shall review Dr. Harewood's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Harewood and her medical practice, and on the review of Dr. Harewood's patient charts. Dr. Harewood shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Harewood's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Harewood must immediately so notify the Board in writing. In addition, Dr. Harewood shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Harewood shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

### **Rehabilitation Program**

13. Dr. Harewood shall 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. Harewood 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. Harewood's quarterly declarations.

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### Advocacy

14. Dr. Harewood shall maintain continued compliance with the terms of the advocacy contract entered into with the OPHP, or, if approved in advance by the Board, another physician health program, provided that, where terms of the advocacy contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

### Releases

15. Dr. Harewood 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. Harewood'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. Harewood further agrees to provide the Board written consent permitting any treatment provider from whom she obtains treatment to notify the Board in the event she 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.

### Required Reporting by Licensee

16. Within thirty days of the effective date of this Consent Agreement, Dr. Harewood shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Harewood shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments.
17. Within thirty days of the effective date of this Consent Agreement, Dr. Harewood 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 she currently holds any professional license. Dr. Harewood 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 she applies for any professional license or for reinstatement of any professional license. Further, Dr. Harewood shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

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18. Dr. Harewood shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Harewood chemical dependency treatment or monitoring.

### **FAILURE TO COMPLY**

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

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Harewood has violated any term, condition or limitation of this Consent Agreement, Dr. Harewood agrees that the violation, as alleged, also constitutes clear and convincing evidence that her continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

### **DURATION/MODIFICATION OF TERMS**

Dr. Harewood shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Harewood shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

Dr. Harewood acknowledges that she 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. Harewood 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. Harewood acknowledges that her social security number will be used if this information is so reported and agrees to provide her social security number to the Board for such purposes.

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**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.

Sandra K. Harewood, M.D.  
SANDRA K. HAREWOOD, M.D.

Lance A. Talmage MD  
LANCE A. TALMAGE, M.D.  
Secretary

Dec. 28, 2007  
DATE

1-9-08  
DATE

Raymond J. Albert  
RAYMOND J. ALBERT  
Supervising Member  
1/9/08  
DATE

Marcie Pastrick  
MARCIE PASTRICK  
Enforcement Attorney

01-03-2008  
DATE

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# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: [www.med.ohio.gov](http://www.med.ohio.gov)

October 13, 2004

Sandra Kay Harewood, M.D.  
148 Chatham Drive  
Kettering, OH 45429

Dear Doctor Harewood:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 13, 2004, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.  
Secretary

LAT:jam  
Enclosures

CERTIFIED MAIL NO. 7000 0600 0024 5149 9504  
RETURN RECEIPT REQUESTED

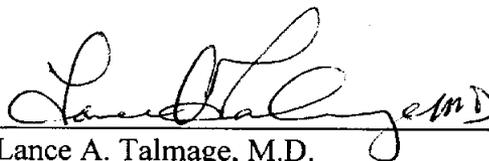
Cc: Elizabeth Y. Collis, Esq.  
CERTIFIED MAIL NO. 7000 0600 0024 5149 9528  
RETURN RECEIPT REQUESTED

*Mailed 10-19-04*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 13, 2004, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Sandra Kay Harewood, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.



Lance A. Talmage, M.D.  
Secretary

(SEAL)

October 13, 2004

Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF

\*

\*

SANDRA KAY HAREWOOD, M.D.

\*

**ENTRY OF ORDER**

This matter came on for consideration before the State Medical Board of Ohio on October 13, 2004.

Upon the Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

The certificate of Sandra Kay Harewood, M.D., to practice medicine and surgery in the State of Ohio shall be REVOKED.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D.  
Secretary

October 13, 2004  
Date

2004 AUG 30 P 12: 24

**REPORT AND RECOMMENDATION  
IN THE MATTER OF SANDRA KAY HAREWOOD, M.D.**

The Matter of Sandra Kay Harewood, M.D., was heard by R. Gregory Porter, Esq., Hearing Examiner for the State Medical Board of Ohio, on June 30, 2004.

**INTRODUCTION**

I. Basis for Hearing

A. By letter dated February 11, 2004, the State Medical Board of Ohio [Board] notified Sandra Kay Harewood, M.D., that it had proposed to take disciplinary action against her certificate to practice medicine and surgery in Ohio. The Board's proposed action was based on allegations that Dr. Harewood had pled guilty to and been found guilty of Driving Under the Influence of Alcohol and Drugs, in violation of Section 4511.19(A)(1), Ohio Revised Code, and had thereby violated a condition of her June 2003 Consent Agreement with the Board. The Board alleged that Dr. Harewood's conduct constitutes "[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'; and/or] '[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,' as that clause is used in Section 4731.22(B)(15), Ohio Revised Code." Accordingly, the Board advised Dr. Harewood of her right to request a hearing in this matter. (State's Exhibit 1A)

On February 17, 2004, Elizabeth Y. Collis, Esq., submitted a written hearing request on behalf of Dr. Harewood. (State's Exhibit 1B)

B. By letter dated April 14, 2004, the Board notified Dr. Harewood that it had proposed to take additional disciplinary action against her certificate to practice medicine and surgery in Ohio. The Board's proposed action was based on allegations that Dr. Harewood had admitted to the Board that she had relapsed on alcohol on or about March 21, 2004, and had had a positive urine screen report. The Board alleged that Dr. Harewood's conduct constitutes "[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'; and/or] '[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,' as that clause is used in Section 4731.22(B)(15), Ohio Revised Code." Accordingly, the

Board advised Dr. Harewood of her right to request a hearing in this matter. (State's Exhibit 1I)

On April 20, 2004, Ms. Collis submitted a written hearing request on behalf of Dr. Harewood. (State's Exhibit 1J)

- C. By Entry dated May 3, 2004, the matters set forth in the February 11, 2004, notice of opportunity for hearing and the April 14, 2004, notice of opportunity for hearing were consolidated for hearing. (St. Ex. 1L)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Rebecca J. Albers, Assistant Attorney General.
- B. On behalf of the Respondent: Elizabeth Y. Collis, Esq.

**EVIDENCE EXAMINED**

I. Testimony Heard

- A. Presented by the State
1. Danielle Bickers
  2. Teresa Meyer
  3. Sandra Kay Harewood, M.D., as upon cross-examination
- B. Presented by the Respondent
- Sandra Kay Harewood, M.D.

II. Exhibits Examined

- A. Presented by the State
1. State's Exhibits 1A through 1P: Procedural exhibits.
  2. State's Exhibit 2: Certified copies of documents maintained by the Board concerning Dr. Harewood. [Note: The Hearing Examiner numbered the pages post hearing.]
  3. State's Exhibit 3: Copy of an April 6, 2004, toxicology report.

4. State's Exhibit 4: Certified copies of documents concerning Dr. Harewood maintained by the Kettering Municipal Court in Kettering, Ohio.
  5. State's Exhibit 5: Not presented or admitted.
  6. State's Exhibit 6: Certified copies of documents concerning Dr. Harewood maintained by the Miamisburg Municipal Court. [Note: The Hearing Examiner redacted a Social Security number from this document post hearing.]
  7. State's Exhibit 7: Certified copies of documents concerning Dr. Harewood maintained by the Miami Township Police Department. [Note: The Hearing Examiner numbered the pages post hearing.]
- B. Presented by the Respondent
1. Respondent's Exhibit A: Dr. Harewood's Curriculum Vitae.
  2. Respondent's Exhibit B: Copy of a June 1, 2004, letter to Board staff from Gregory B. Collins, M.D., Section Head, Alcohol and Drug Recovery Center, The Cleveland Clinic Foundation, with attached Treatment and Recovery Contract executed by Dr. Harewood on May 26, 2004.
  3. Respondent's Exhibits C1 and C2: June 22, 2004, letter to Dr. Harewood's attorney from Barron Farrier, CCDC III, Case Manager, Ohio Physicians Effectiveness Program; and attached confidential Advocacy Contract executed by Dr. Harewood on December 14, 2001. [Note: State's Exhibit C2 has been sealed to maintain the confidentiality of substance abuse treatment records.]
  4. Respondent's Exhibit D: Copies of logs of Dr. Harewood's attendance at recovery program meetings from March 27, 2003, through June 27, 2004. [Note: This exhibit has been sealed to protect the confidentiality of meeting attendees.]
  5. Respondent's Exhibit E: Copies of documents certifying Dr. Harewood's attendance at CME programs.
  6. Respondent's Exhibit F: Copy of Dr. Harewood's conditions of probation as required by the Miamisburg Municipal Court effective November 12, 2003. [Note: The Hearing Examiner redacted a Social Security number from this document post hearing.]

### SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. Sandra K. Harewood, M.D., obtained her medical degree in 1977 from The Ohio State University School of Medicine. From July 1977 through June 1978, Dr. Harewood participated in an internship in internal medicine at Mount Carmel Medical Center in Columbus, Ohio. From July 1978 through June 1980, Dr. Harewood completed a residency in internal medicine at Creighton University in Omaha, Nebraska. She was board certified by the American Board of Internal Medicine in 1983. (Respondent's Exhibit [Resp. Ex.] A; Hearing Transcript [Tr.] at 28-29)

Dr. Harewood was licensed to practice medicine in Ohio in 1980. Dr. Harewood's Curriculum Vitae also states that she was licensed to practice medicine in Nebraska from 1979 through 1992. (Resp. Ex. A)

Dr. Harewood's practice history includes that, from 1983 through 1991, she was the Director of Internal Medical Education at the Family Practice Residency Program at St. Elizabeth's Medical Center in Dayton, Ohio. From 1991 through 1994, she was an Associate Professor of Medicine in the Internal Medicine Department at Wright State University School of Medicine. Dr. Harewood testified that, subsequently, for about one and one-half years, she was not employed; however, she stated that she remained active at Wright State University during that time and was on their admissions committee. (Resp. Ex. A; Tr. at 30-31)

In March 1996, Dr. Harewood became Associate Director of Student Affairs at Wright State University School of Medicine. Subsequently, on November 30, 1996, Dr. Harewood's husband was killed in an airplane crash. Dr. Harewood testified, "I really did not return to that position after he died, and I didn't resign immediately. I mean, I tried to go back some but just was not able to focus on that. I did return and did some outpatient precepting through June of [1997]." (Resp. Ex. A; Tr. at 31, 52)

Finally, from September 1997 through September 2001, Dr. Harewood worked in the private practice of internal medicine in Waynesville, Ohio; and for Alliance Physicians in Kettering, Ohio. In September 2001, Dr. Harewood took leave from her work to obtain an evaluation and subsequent treatment for alcohol abuse and depression. Dr. Harewood testified that she has not worked as a physician since that time. (Resp. Ex. A; Tr. at 31-32, 84-85)

2. Dr. Harewood testified that her license to practice medicine in Ohio had been suspended in August 2002 pursuant to a Step I Consent Agreement with the Board, and has not been reinstated. (Tr. at 48-49)
3. Dr. Harewood testified that her husband had been an anesthesiologist who practiced in Xenia, Ohio. Dr. Harewood further testified that, during Thanksgiving weekend in 1996, she and her

children had been staying with her parents in Shelby, Ohio. Her husband, who was an instrument-rated pilot, had the use of an airplane that he kept at Greene County Airport in Xenia. On the Saturday of Thanksgiving weekend, Dr. Harewood's husband flew from Greene County Airport to meet the family at Mansfield Airport. However, his plane crashed en route and he was killed. (Tr. at 50-53)

Dr. Harewood testified that she has three children who had been in middle school and high school at the time of her husband's death. Dr. Harewood further testified that she had been working about twenty to twenty-five hours per week at that time. (Tr. at 49-50)

4. Dr. Harewood testified that, at the time her husband died, her family had lived in a large home and owned three cars. However, at a memorial service held for her husband in Xenia, Dr. Harewood received the first hint that something was amiss concerning her family's financial situation. Dr. Harewood attended the service with her family attorney, and was approached by a young woman who expressed her sympathy and added, "I have notarized your signature so many times, and I have never met you." Dr. Harewood testified, "[O]ur jaws just kind of dropped, and that was really the first inkling I had. And we followed up on it, my attorney then even pulled papers that she had given my husband to have me sign; and, indeed, it was not my signature." (Tr. at 54-55)

Dr. Harewood testified that she subsequently learned that her family's financial situation "was very bad." Dr. Harewood further testified that her husband had forged her signature on a number of financial and legal documents, including a large second mortgage on their home. Moreover, Dr. Harewood's husband had liquidated her IRA. Dr. Harewood testified, "So the home and automobiles, all of my IRA, his pension and profit sharing, there was nothing. And his business, he had even had to get a personal loan and forged my signature on loan papers for his business as well." (Tr. at 50-51)

5. Dr. Harewood testified that she and her children had moved into a smaller home in 1997. "I did not make enough to cover even the utility payments on the other house, much less \* \* \* the two mortgages." Dr. Harewood testified that, even after downsizing the family home, she had been under a lot of financial pressure. Dr. Harewood stated that she had purchased the new home with the expectation that her mother would be moving in with her family and contributing financially, but that that never occurred. (Tr. at 59-61)
6. Concerning her use of alcohol, Dr. Harewood testified that she drank some in college, and drank infrequently during her marriage. Dr. Harewood testified, "I probably drank more in my 20s dating my husband and early marriage and much less later on as we had kids in the home." Dr. Harewood further testified that at no time prior to her husband's death had she consumed alcohol on a regular, ongoing basis. Moreover, Dr. Harewood testified that she had never been impaired by alcohol in her employment. (Tr. at 57-59)

Dr. Harewood testified that, after her husband died, at first, a lot of people had come to her house to visit and brought her drinks; however, Dr. Harewood testified, "I was pretty

numb. I don't really recall being intoxicated." Dr. Harewood further testified that, during the first year, she had been on a variety of anti-depressants. (Tr. at 59)

Dr. Harewood testified that her drinking had increased after her move to the smaller home. Dr. Harewood further testified that, through about 2000, she had used alcohol intermittently, "primarily late at night just as an escape to get some sleep." Dr. Harewood further testified that her drink of choice had been "mostly vermouth." Moreover, Dr. Harewood testified that she would drink as much as half of a bottle in an evening, "but certainly not consistently even that." (Tr. at 60-61)

7. In April 2001, Dr. Harewood had a car accident and was charged with DUI; Dr. Harewood testified at hearing that she "had had one drink." After that, the vice president of medical affairs at Kettering Medical Center, the parent institution for Alliance Physicians, asked her to be evaluated. In September 2001, Dr. Harewood underwent a 72-hour evaluation at The Cleveland Clinic Foundation, after which it was recommended that she undergo a twenty-eight day residential treatment program. Dr. Harewood testified that, in October 2001, she completed twenty-eight days of treatment at Greene Hall in Xenia, Ohio. (Tr. at 61-62)

In December 2001, Dr. Harewood entered into an Advocacy Contract with the Ohio Physicians Effectiveness Program [OPEP]. That contract required, among other things, that Dr. Harewood provide random, weekly urine samples for drug and alcohol testing. (Resp. Ex. C2)

8. Dr. Harewood testified that, after being released from treatment, she had stayed sober for about "[t]wo or three months." Dr. Harewood testified that she had relapsed after learning that her position had been eliminated, and after her mother had taken ill. (Tr. at 62-63)
9. On February 21, 2002, Dr. Harewood was charged with Driving Under the Influence of Alcohol or Drugs [DUI]. On March 21, 2002, she pled guilty to and was found guilty of that offense. Among other things, Dr. Harewood's driver's license was suspended for two years and she was placed on probation for five years. (State's Exhibit [St. Ex.] 4)
10. Dr. Harewood testified that, in July 2002, she had had a positive urine screen. She returned to Greene Hall in August 2002 for further treatment on the advice of Barron Farrier, her OPEP representative. Dr. Harewood completed an additional twenty-eight days of residential treatment. Furthermore, in August 2002, Dr. Harewood reported her treatment history and relapse to the Board. (St. Ex. 2 at 22; Tr. at 64-66)

On August 14, 2002, Dr. Harewood entered into a Step I Consent Agreement [August 2002 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon her violation of Section 4731.22(B)(26), Ohio Revised Code. (St. Ex. 2 at 21-27) In the August 2002 Step I Consent Agreement, Dr. Harewood made the following admissions:

Dr. Harewood admits that in or about September 2001, she was evaluated at the Cleveland Clinic Foundation, a Board approved treatment provider in

Cleveland, Ohio, as required by hospital administration following her involvement in an automobile accident. Dr. Harewood admits that as a result of such evaluation she received diagnoses including alcohol abuse and depression. Dr. Harewood further admits that she subsequently completed at least twenty-eight days of residential treatment at Greene Hall, a Board approved treatment provider in Xenia, Ohio, in or about October 2001. Dr. Harewood further admitted that she entered into an advocacy contract with the Ohio Physicians Effectiveness Program [OPEP] in or about December 2001.

Further, Dr. Harewood admits that she submitted a urine specimen for analysis pursuant to her OPEP advocacy contract on or about July 12, 2002, and that such specimen tested positive for alcohol. Dr. Harewood admits that she subsequently admitted to having relapsed in or about July 2002 and that she reported information concerning her treatment history and relapse to the Board on August 2, 2002. Dr. Harewood further admits that she was admitted to Greene Hall on or about August 2, 2002, for residential treatment \* \* \*.

(St. Ex. 2 at 21-22)

11. Dr. Harewood testified that, following the August 2002 Step I Consent Agreement, she had failed to remain sober. In November 2002, Dr. Harewood entered Talbott Recovery Campus in Atlanta, Georgia, for further residential treatment. Dr. Harewood testified that she had remained there through the end of March 2003, except for “a two-week break at home.” (Tr. at 66-69)
12. By Notice of Opportunity for Hearing dated January 8, 2003, [January 2003 Notice], the Board alleged that Dr. Harewood was impaired and that she had violated the conditions of limitation placed on her certificate to practice by the August 2002 Step I Consent Agreement. The Board further alleged:
  - Dr. Harewood tested positive for alcohol on or about October 31, 2002. By letter dated November 20, 2002, a counselor at Greene Hall informed the Board that Dr. Harewood had failed to maintain abstinence.
  - Dr. Harewood failed to submit a quarterly declaration as required by the August 2002 Step I Consent Agreement.
  - Dr. Harewood failed to appear for a scheduled interview with the Board or its designated representative on November 13, 2002.
  - Dr. Harewood failed to undertake and maintain participation in an alcohol and drug rehabilitation program.

- Dr. Harewood failed to self-report her relapse as required by Rule 4731-15-01(A)(5), Ohio Administrative Code.

(St. Ex. 2 at 17-20)

13. On June 11, 2003, Dr. Harewood entered into a second Step I Consent Agreement [June 2003 Step I Consent Agreement] with the Board in lieu of further formal proceedings based upon the allegations set forth in the January 2003 Notice. (St. Ex. 2 at 9-16) In the June 2003 Step I Consent Agreement, Dr. Harewood made the following admissions:

Dr. Harewood admits to the factual and legal allegations as set forth in the [January 2003 Notice] \* \* \*. In addition, Dr. Harewood states that she entered Talbott Recovery Campus, a Board-approved treatment provider, in Atlanta, Georgia in November, 2002, for residential treatment of alcohol dependency, and that on February 18, 2003, she was given a one week leave of absence to return to Ohio to attend to personal and financial matters because she is a widow with a minor child. Dr. Harewood further states that she did not return to Talbott Recovery Campus until March 7, 2003. Dr. Harewood admits that during this leave of absence she relapsed on alcohol. Dr. Harewood states that she reported her relapse to the staff at Talbott Recovery Campus and completed a relapse prevention group; that her new date of sobriety is February 27, 2003; and that she was released from Talbott Recovery Campus on March 27, 2003.

(St. Ex. 2 at 10)

Moreover, in the June 2003 Step I Consent Agreement, Dr. Harewood agreed to certain specified terms, conditions, and limitations, including that her certificate to practice medicine and surgery in the State of Ohio shall remain suspended for an indefinite period of time, but not less than one year from the effective date of the June 2003 Step I Consent Agreement. Finally, paragraph 3 of the June 2003 Step I Consent Agreement states that Dr. Harewood “shall abstain completely from the use of alcohol.” (St. Ex. 2 at 10)

14. On June 27, 2003, Dr. Harewood was arrested for DUI and other traffic offenses. The arresting Miami Township police officer stated in his written report that, while on patrol on June 27, 2003, he had received a radio report of a DUI in his area. He obtained a description of the vehicle, found Dr. Harewood’s vehicle, began following it, and noted that the vehicle “was traveling at a slow speed[,]” about 28-29 miles per hour. After he pulled Dr. Harewood over, the officer approached Dr. Harewood’s vehicle and “detected a strong odor of alcoholic beverage coming from the vehicle. [Dr. Harewood] appeared to be very confused and slow to respond to [his] requests.” When the officer asked Dr. Harewood if she had been drinking, she denied it. Dr. Harewood provided the officer with a copy of her driving privileges from her previous DUI conviction, and the officer noted that Dr. Harewood had been driving outside of her privileges. (St. Ex. 7 at 2-3)

The officer further reported that he had administered field sobriety tests including the Horizontal Gaze Nystagmus Test, the One Leg Stand Test, and the Walk and Turn Test, and that Dr. Harewood had failed each one. Moreover, the officer reported that Dr. Harewood's "eyes were glasse[y] [sic], watery, bloodshot, and constricted[,] \* \* \* [she] was unable to keep her head still as instructed repeatedly[,]” was unsteady on her feet, and “swayed back and forth and front to back.” Dr. Harewood refused to take a breath test. Finally, Dr. Harewood was arrested and charged with, among other things, Driving Under the Influence of Alcohol or Drugs, and driving under a suspended license. (St. Ex. 7 at 3-4)

15. Dr. Harewood testified that, on June 27, 2003, she had gone to a movie theater. After leaving the theater, she noticed that a police car was following her. Dr. Harewood testified that she had not been speeding, but slowed down nevertheless, stating, “I guess that’s sort of an automatic reaction.” Dr. Harewood testified that when the police car emergency lights flashed, she pulled into a strip mall. Dr. Harewood testified that she had been upset because her driver’s license was suspended and she had known that she should not have been driving. (Tr. at 69-71)

At hearing, Dr. Harewood denied that she had been drinking alcohol prior to her arrest. Dr. Harewood acknowledged, however, that she had been driving outside of her driving privileges on a suspended license. (Tr. at 37-39) When asked why she had not submitted to a breath test, she replied,

I was extremely upset. I knew that I was in the wrong for driving; and, you know, at the moment I just—I didn’t feel that—I knew I had not been drinking, and I felt that it was not something that I should need to do; and that was wrong.

(Tr. at 38-39) Moreover, Dr. Harewood testified that she now knows that the breath test could have exonerated her. (Tr. at 40)

Furthermore, concerning the officer’s report that he had smelled alcohol, Dr. Harewood testified that she does not know why he would have smelled alcohol; she had had no alcohol in the vehicle, and had offered him the opportunity to search her vehicle. In addition, Dr. Harewood testified that she had performed poorly on the field sobriety tests because she had been upset and crying, and “had just fallen apart.” (Tr. at 71-74)

Dr. Harewood further testified that she has a fair complexion, and that her eyes often appear bloodshot. Dr. Harewood testified that she believes that the police officer had mistaken the bloodshot appearance of her eyes as evidence that she had been drinking. (Tr. at 89)

Finally, concerning the arresting officer’s report, Dr. Harewood stated that she thinks that “it’s selective and not fully reflective of the situation.” (Tr. at 39)

16. On November 6, 2003, Dr. Harewood pled guilty to and was found guilty of a second offense of DUI, and the other charges were dismissed. On November 12, 2003, Dr. Harewood was sentenced to ninety days in jail, eighty days of which were suspended; 365 days of reporting probation, and a 365-day driver's license suspension effective June 27, 2003. The court noted that Dr. Harewood "may do OPEP" for her remaining jail time. (St. Exs. 6 and 7)

When asked why she had pled guilty to DUI, Dr. Harewood replied that she had done so on the advice of counsel, and, "That was a plea bargain after all the other things; and, you know, my initial plea was not guilty because I was not guilty." (Tr. at 37-39)

17. Dr. Harewood testified that she did not report her plea of guilty to DUI to the Board. (Tr. at 76-77)
18. By Notice of Opportunity for Hearing dated February 11, 2004, [February 2004 Notice], the Board alleged that Dr. Harewood was impaired and had violated her August 2002 Step I Consent Agreement. The February 2004 Notice was based upon Dr. Harewood's November 6, 2003, plea of guilty to and judicial finding of guilt of a second offense of DUI. On February 17, 2004, Dr. Harewood's attorney requested a hearing on Dr. Harewood's behalf. (St. Exs. 1A and 1B)
19. A toxicology report dated April 6, 2004, for a urine sample provided by Dr. Harewood on March 22, 2004, indicates a positive result for alcohol. Moreover, the report states that the presence of alcohol in the urine was GC/FID confirmed. (St. Ex. 3)
20. Danielle Bickers testified that she is the Compliance Officer for the Board. Ms. Bickers stated that her responsibilities include monitoring licensees who are subject to probationary conditions through consent agreements with the Board or Board Orders. Dr. Harewood is one of the Board's probationers that Ms. Bickers monitors. (Tr. at 13-14)

Ms. Bickers testified that, on April 6, 2004, Dr. Harewood had contacted her and informed her of a toxicology report concerning a urine specimen collected on March 22, 2004, that had tested positive for alcohol. Moreover, Ms. Bickers testified that she later received a copy of that toxicology report from OPEP. (St. Ex. 3; Tr. at 15)

Ms. Bickers testified,

Dr. Harewood explained to me that on March 21 she had been grocery shopping and had purchased a bottle of vermouth for her own—she planned to drink it for her personal use and later on that evening drank a half a bottle of the vermouth. The next morning she was contacted by OPEP to submit her urine screen, her regular weekly urine screen.

She showed up later on in the afternoon to provide the specimen, did not inform OPEP at the time that she had been drinking alcohol, and just crossed her fingers hoping that it would come back negative.

(Tr. at 16)

21. At hearing, Dr. Harewood acknowledged that she had relapsed in March 2004. However, Dr. Harewood testified that she had purchased vermouth with the intention of cooking with it. (Tr. at 40-41) Dr. Harewood further testified, "My son was coming home from college; and I had purchased vermouth Sunday, which I believe would have been the 21<sup>st</sup>, to do some home-cooked meals that I had been accustomed to doing in the past and woke up 2 o'clock, 3 o'clock. And about 4 o'clock [a.m. on March 22], I had maybe not quite half [a] bottle of the vermouth to try to get back to sleep." (Tr. at 77-78) Moreover, Dr. Harewood testified, "I had been tested the previous Monday. I just took the chance \* \* \*." (Tr. at 40)

Later that day, OPEP called Dr. Harewood to submit a urine sample for testing, and Dr. Harewood complied. Dr. Harewood testified that, afterward, her sponsor had advised her to wait and see if the screen came back positive before reporting it to the Board. Dr. Harewood acknowledged that she had been aware that her June 2003 Step I Consent Agreement required her to report relapses, and further acknowledged that she did not report the relapse until her urine screen had come back positive for alcohol. When asked if she would have reported her relapse had the urine screen come back negative, Dr. Harewood replied, "Probably not at the time. I don't know." (Tr. at 40-42)

22. Dr. Harewood testified that her new sobriety date is March 23, 2004. Dr. Harewood explained that the sobriety date is calculated as twenty-four hours after her last drink. (Tr. at 42)
23. Dr. Harewood testified that, after her March 2004 relapse, she had entered a treatment program at The Cleveland Clinic Foundation, and remained there for about five weeks. Dr. Harewood testified that she had completed the program on May 27, 2004. Dr. Harewood further testified that, upon release, she had been referred to Edna Jones, M.D., for aftercare, and that her first appointment with Dr. Jones would be July 2, 2004. When asked why there was such a delay between her release and her first appointment with Dr. Jones, Dr. Harewood replied that she had had no way to get to Dr. Jones because her driver's license had still been suspended. Dr. Harewood testified that her driver's license has since been reinstated. (Tr. at 78-80)
24. In a June 1, 2004, letter to Board staff, Gregory B. Collins, M.D., Section Head, Alcohol and Drug Recovery Center, The Cleveland Clinic Foundation, stated as follows,

[Dr. Harewood] was admitted to The Cleveland Clinic Foundation Alcohol and Drug Recovery Center on April 23, 2004, and was discharged on May 27, 2004. Dr. Harewood has successfully completed her required 28 days of continued residential treatment for alcohol dependence and major depression,

and she actually stayed an additional week for [in depth] comprehensive work on these issues. Dr. Harewood successfully completed the program and has been discharged with full staff approval. She also signed an aftercare agreement \* \* \*. It is expected that she will participate in aftercare follow up with the help of Edna Jones, M.D., in Columbus. She was discharged on Effexor 75 mg per day for help with her chronic depression.

(Resp. Ex. B)

Dr. Harewood testified that Dr. Collins had told her, "If I could get six months together, the circumstances of my home and family, that that would be a time at which he could support my returning to some form of practice." (Tr. at 85-86)

25. A letter dated June 22, 2004, to Dr. Harewood's attorney from Mr. Farrier states, among other things, that Dr. Harewood's toxicology screens since her discharge from treatment on May 27, 2004, have been negative. (Resp. Ex. C1)
26. Dr. Harewood testified that she has continued to attend AA and Caduceus meetings during her suspension. She presented logs of her attendance at such meetings since the time of her release from Talbott. Dr. Harewood further testified that there are some pages missing from these logs covering the period from May through September 2003, although these pages had previously been sent to the Board. (Resp. Ex. D; Tr. at 87-88, 92-93)
27. Dr. Harewood testified that she has continued to obtain continuing medical education since her license to practice medicine was suspended. She presented certificates of completion of these programs. (Resp. Ex. E; Tr. at 88)
28. Dr. Harewood testified that she is in compliance with all of the requirements of her court-ordered probation. (Resp. Ex. F; Tr. at 88-89)
29. Dr. Harewood testified that, as of the date of hearing, she had been sober for a little over three months. When asked what is different now that makes her think that she can remain sober, Dr. Harewood replied,

Well, I don't know that this last treatment was any more magical; but it certainly was affirming. I feel that I had a very good, open attitude. I was very impressed with some of the groups up there. I am now on Antabuse at Dr. Collins' suggestion. And even though I haven't felt particularly depressed anymore, he recommended that I be on Effexor, which I am on.

(Tr. at 81) Dr. Harewood further testified that her son, who has had health problems and other problems following his father's death, has stabilized and is doing well, and that both

of her daughters are also doing well now. Dr. Harewood added,

So their lives with the passage of time and some increased stability on my part have given me more the opportunity of just less anxiety about them, a little easier to focus on myself. And I just—the way I described it was almost I have a sense of feeling that I've gotten myself back.

(Tr. at 81-82)

Moreover, Dr. Harewood testified that, in November 2003, she and her children had moved again into a smaller home that she can “manage better physically and financially.” (Tr. at 80)

30. Dr. Harewood testified that, if the Board allows her to keep her license, she would be willing to comply with monitoring. Dr. Harewood further suggested screening using Alco-Strips that test saliva specifically for alcohol, because it is cheaper than urine screens and gives immediate results. Dr. Harewood testified that she has never had a problem with other drugs, so “that might potentially be, in addition to urine screens, something that might be reassuring to the Board, any monitoring agency, or coworkers or whoever.” (Tr. at 83-84)

Dr. Harewood further testified that, if she is allowed to keep her license, she has considered working for the Veteran’s Administration. Dr. Harewood further testified that private practice has never held much appeal for her, although she enjoys patient care.

Dr. Harewood further testified that she does not feel compelled to stay in Dayton, because that had been her husband’s hometown but that she has no other personal ties there.

Moreover, Dr. Harewood testified that, at some point in the future, she might consider doing medical work abroad. (Tr. at 82-83)

31. Dr. Harewood testified that she believes that she can still contribute to the practice of medicine.

I think I am an effective person as well as an effective caregiver and can be again.

I don’t have excessive needs. This is just simply to be able to support my children, provide health insurance, you know, fairly basic things, and the altruistic aspect. I mean, I’m more focused on patient care than bringing in a big income. I’ve never made a lot of money and don’t have goals of that, just—just enough and to return to contribute to society in that way.

(Tr. at 90)

## FINDINGS OF FACT

1. On August 14, 2002, Sandra Kay Harewood, M.D., entered into a Step I Consent Agreement [August 2002 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon her violation of Section 4731.22(B)(26), Ohio Revised Code.

In the August 2002 Step I Consent Agreement, Dr. Harewood made certain admissions, including that in or about September 2001 she had been evaluated at the Cleveland Clinic Foundation, as required by hospital administration following her involvement in an automobile accident; that as a result of such evaluation she had received diagnoses including alcohol abuse and depression; and that she subsequently completed at least twenty-eight days of residential treatment at Greene Hall in or about October 2001. Dr. Harewood further admitted that, on or about July 12, 2002, she had submitted a urine specimen for analysis pursuant to her OPEP advocacy contract and that such specimen had tested positive for alcohol; that she had subsequently admitted to having relapsed in or about July 2002; and that on August 2, 2002, she had reported information concerning her treatment history and relapse to the Board and was admitted to Greene Hall for residential treatment.

In the August 2002 Step I Consent Agreement, Dr. Harewood also agreed to certain specified terms, conditions, and limitations, including that her certificate to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time, but not less than 90 days, and that she “shall abstain completely from the use of alcohol,” as set forth in Paragraph 3 of that agreement.

2. On January 8, 2003, the Board issued to Dr. Harewood a Notice of Opportunity for Hearing [January 2003 Notice] alleging that she was impaired and that she had violated the conditions of limitation placed by the August 2002 Step I Consent Agreement upon her certificate to practice, including that she had failed to abstain completely from the use of alcohol, had failed to self-report her relapse, had failed to submit a quarterly declaration, had failed to appear for a scheduled interview, and had failed to undertake and maintain participation in an alcohol and drug rehabilitation program.

Thereafter, on June 11, 2003, Dr. Harewood entered into a Step I Consent Agreement [June 2003 Step I Consent Agreement] with the Board in lieu of further formal proceedings based upon the January 2003 Notice.

In the June 2003 Step I Consent Agreement, Dr. Harewood admitted to the factual and legal allegations of the January 2003 Notice. In addition, she admitted that, in November 2002, she had entered Talbott Recovery Campus, a Board-approved treatment provider, for residential treatment of alcohol dependency, and that on February 18, 2003, she had been given a one-week leave of absence to return to Ohio to attend to personal and financial matters. Dr. Harewood further admitted that she had not returned to Talbott Recovery Campus until March 7, 2003, and that during this leave of absence she had relapsed on alcohol. Moreover, Dr. Harewood admitted that she had reported her relapse to the staff at Talbott Recovery Campus and completed a relapse prevention group; that her

new date of sobriety was February 27, 2003; and that she had been released from Talbott Recovery Campus on March 27, 2003.

In the June 2003 Step I Consent Agreement, Dr. Harewood also agreed to certain specified terms, conditions, and limitations, including that her certificate to practice medicine and surgery in the State of Ohio shall remain suspended for an indefinite period of time, but not less than one year from the effective date of the June 2003 Step I Consent Agreement.

Dr. Harewood's certificate to practice medicine and surgery in Ohio remains suspended to date.

3. Paragraph 3 of Dr. Harewood's June 2003 Step I Consent Agreement states that she "shall abstain completely from the use of alcohol."

Nevertheless, on November 6, 2003, in Miamisburg Municipal Court, Dr. Harewood pled guilty to and was found guilty of a second offense of Driving Under the Influence of Alcohol and Drugs, in violation of Section 4511.19(A)(1), Ohio Revised Code.

Dr. Harewood's testimony at hearing that she had not been drinking alcohol prior to her arrest for DUI is not persuasive.

4. On February 11, 2004, the Board issued to Dr. Harewood a Notice of Opportunity for Hearing [February 2004 Notice] alleging that she was impaired and that she had violated the conditions of limitation placed upon her certificate to practice by the June 2003 Step I Consent Agreement, including that she had failed to abstain completely from the use of alcohol. On February 17, 2004, through her attorney, Dr. Harewood requested a hearing related to the February 2004 Notice.
5. On or about April 6, 2004, Dr. Harewood reported to Board staff that she had relapsed on March 21, 2004, by consuming half a bottle of vermouth. Dr. Harewood further reported that, on or about March 22, 2004, she had submitted a urine specimen for analysis at the request of the Ohio Physicians Effectiveness Program, and that that urine specimen had tested positive for alcohol. She further reported that, at the time that she submitted the urine specimen, she had not reported to OPEP that she had consumed alcohol, and that she had hoped that the urine specimen would not test positive for alcohol.

The April 6, 2004, urine screen report of Dr. Harewood's March 22, 2004, urine specimen reflects that the result was GC/FID confirmed for the presence of alcohol.

### **CONCLUSIONS OF LAW**

1. The conduct of Sandra Kay Harewood, M.D., as set forth in Findings of Fact 1 through 3 and 5, constitutes "[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.

2. The conduct of Dr. Harewood as set forth in Findings of Fact 3 and 5 constitutes “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

\* \* \* \* \*

Given the tragic circumstances that preceded Dr. Harewood’s battle with alcohol, one cannot help but feel sympathy for her. Nevertheless, this Board has already given Dr. Harewood two chances to enter a stable recovery, and she failed to do so. Her numerous relapses following multiple treatments, coupled with her unpersuasive testimony at hearing that she had not been drinking at the time of her June 2003 DUI arrest, do not inspire confidence that she now has her problem under control. Accordingly, Dr. Harewood’s certificate should be revoked, and the Board should not grant an application for a new certificate until, at the very least, Dr. Harewood is able to prove that she is in a stable recovery program and can maintain continuous sobriety for at least three years.

### PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Sandra Kay Harewood, M.D., to practice medicine and surgery in the State of Ohio shall be REVOKED.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.



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R. Gregory Porter, Esq.  
Hearing Examiner



# State Medical Board of Ohio

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## EXCERPT FROM THE DRAFT MINUTES OF OCTOBER 13, 2004

### REPORTS AND RECOMMENDATIONS

Ms. Sloan announced that the Board would now consider the findings and orders appearing on the Board's agenda. She asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Ghassan Haj-Hamed, M.D.; Sam Hill, D.O.; Barry Alan Fultz, M.T.; Sandra Kay Harewood, M.D.; Jeanne M. Kirkland, M.D.; Michael Paul Parker, M.D.; Jinka R. Sathya, M.D.; Animesh Chandulal Shah, M.D.; Hisham H. Soliman, M.D.; and Mary Mei-Ling Yun, M.D. A roll call was taken:

ROLL CALL:	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Ms. Sloan	- aye

The motion carried.

Ms. Sloan asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Ms. Sloan	- aye

Ms. Sloan noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying

that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Ms. Sloan stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

Dr. Davidson returned to the meeting at this time and advised that she received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the Reports and Recommendations appearing on today's agenda. She further advised that she does understand that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation

.....

SANDRA KAY HAREWOOD, M.D.

.....

**DR. EGNER MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF SANDRA KAY HAREWOOD, M.D. DR. BHATI SECONDED THE MOTION.**

.....

A vote was taken on Dr. Egner's motion to approve and confirm:

Vote:	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- abstain
	Ms. Sloan	- aye

The motion carried.



# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: [www.med.ohio.gov](http://www.med.ohio.gov)

April 14, 2004

Sandra Kay Harewood, M.D.  
4473 Lotz Road  
Kettering, Ohio 45429

Dear Doctor Harewood:

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 or place you on probation for one or more of the following reasons:

- (1) On or about August 14, 2002, you entered into a Step I Consent Agreement [August 2002 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code. A copy of this August 2002 Step I Consent Agreement is attached hereto and incorporated herein.

In the August 2002 Step I Consent Agreement, you made certain admissions, including that in or about September 2001 you were evaluated at the Cleveland Clinic Foundation, as required by hospital administration following your involvement in an automobile accident; that as a result of such evaluation you received diagnoses including alcohol abuse and depression; and that you subsequently completed at least twenty-eight days of residential treatment at Greene Hall in or about October 2001. You further admitted that you submitted a urine specimen for analysis pursuant to your OPEP advocacy contract on or about July 12, 2002, and that such specimen tested positive for alcohol; that you subsequently admitted to having relapsed in or about July 2002; and that on August 2, 2002, you reported information concerning your treatment history and relapse to the Board and were admitted to Greene Hall for residential treatment. In the August 2002 Step I Consent Agreement, you also agreed to certain specified terms, conditions, and limitations, including that your certificate to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time, but not less than 90 days and that you "shall abstain completely from the use of alcohol," as set forth in Paragraph 3 of that agreement.

*Mailed 4-15-04*

- (2) On or about January 8, 2003, the Board issued to you a Notice of Opportunity for Hearing [January 2003 Notice] alleging that you were impaired and that you had violated the conditions of limitation placed by the August 2002 Step I Consent Agreement upon your certificate to practice, including that you failed to abstain completely from the use of alcohol, you failed to self-report your relapse, you failed to submit a quarterly declaration, you failed to appear for a scheduled interview, and you failed to undertake and maintain participation in an alcohol and drug rehabilitation program.

Thereafter, on or about June 11, 2003, you entered into a Step I Consent Agreement [June 2003 Step I Consent Agreement] with the Board in lieu of further formal proceedings based upon the January 2003 Notice. Copies of the January 2003 Notice and the June 2003 Step I Consent Agreement are attached hereto and incorporated herein.

In the June 2003 Step I Consent Agreement, you admitted to the factual and legal allegations of the January 2003 Notice. In addition, you further admitted in the June 2003 Step I Consent Agreement that you entered Talbott Recovery Campus, a Board-approved treatment provider, in November 2002 for residential treatment of alcohol dependency, and that on February 18, 2003, you were given a one-week leave of absence to return to Ohio to attend to personal and financial matters. You further stated that you did not return to Talbott Recovery Campus until March 7, 2003, and admitted that during this leave of absence you relapsed on alcohol. You stated that you reported your relapse to the staff at Talbott Recovery Campus and completed a relapse prevention group; that your new date of sobriety was February 27, 2003; and that you were released from Talbott Recovery Campus on March 27, 2003. In the June 2003 Step I Consent Agreement, you also agreed to certain specified terms, conditions, and limitations, including that your certificate to practice medicine and surgery in the State of Ohio shall remain suspended for an indefinite period of time, but not less than one year from the effective date of the June 2003 Step I Consent Agreement and that you "shall abstain completely from the use of alcohol," as set forth in Paragraph 3 of that agreement.

Your certificate to practice medicine and surgery in Ohio remains suspended to date.

- (3) On or about November 6, 2003, in Miamisburg Municipal Court, you pled guilty to and were found guilty of a second offense of Driving Under the Influence of Alcohol or Drugs, in violation of Section 4511.19(A)(1), Ohio Revised Code. Consequently, on or about February 11, 2004, the Board issued to you a Notice of Opportunity for Hearing [February 2004 Notice] alleging that you were impaired and that you had violated the conditions of limitation placed by the June 2003 Step I Consent Agreement upon your certificate to practice, including

that you failed to abstain completely from the use of alcohol. Through your attorney, you entered a request for a hearing related to the February 2004 Notice and such hearing is scheduled for May 25, 2004. A copy of the February 2004 Notice is attached hereto and incorporated herein.

- (4) On or about April 6, 2004, you reported to Board staff that you relapsed on March 21, 2004, by consuming half a bottle of Vermouth. You further reported that on or about March 22, 2004, you submitted a urine specimen for analysis at the request of your supervising physician, OPEP. You further reported that at the time that you submitted the urine specimen, you did not report to OPEP that you had consumed alcohol, and you hoped that the urine specimen would not test positive for alcohol. You further reported that, just prior to your report to the Board of your relapse, OPEP informed you of the positive result of alcohol in the urine specimen of March 22, 2004. The urine screen report of the March 22, 2004, urine specimen reflected that the result was GC/FID confirmed for the presence of alcohol.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (4) 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.

Further, your acts, conduct, and/or omissions as alleged in paragraph (4) above, individually and/or collectively, constitute a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” 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 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 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,



Lance A. Talmage, M.D.  
Secretary

LAT/blt  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5148 2834  
RETURN RECEIPT REQUESTED

cc: Elizabeth Y. Collis, LLC  
1560 Fishinger Road  
Upper Arlington, OH 43221

CERTIFIED MAIL # 7000 0600 0024 5148 2827  
RETURN RECEIPT REQUESTED



# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

February 11, 2004

Sandra Kay Harewood, M.D.  
4473 Lotz Road  
Kettering, Ohio 45429

Dear Doctor Harewood:

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 or place you on probation for one or more of the following reasons:

- (1) On or about August 14, 2002, you entered into a Step I Consent Agreement [August 2002 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code. A copy of this August 2002 Step I Consent Agreement is attached hereto and incorporated herein.

In the August 2002 Step I Consent Agreement, you made certain admissions, including that in or about September 2001 you were evaluated at the Cleveland Clinic Foundation, as required by hospital administration following your involvement in an automobile accident; that as a result of such evaluation you received diagnoses including alcohol abuse and depression; and that you subsequently completed at least twenty-eight days of residential treatment at Greene Hall in or about October 2001. You further admitted that you submitted a urine specimen for analysis pursuant to your OPEP advocacy contract on or about July 12, 2002, and that such specimen tested positive for alcohol; that you subsequently admitted to having relapsed in or about July 2002; and that on August 2, 2002, you reported information concerning your treatment history and relapse to the Board and were admitted to Greene Hall for residential treatment. In the August 2002 Step I Consent Agreement, you also agreed to certain specified terms, conditions, and limitations, including that your certificate to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time, but not less than 90 days, and that you "shall abstain completely from the use of alcohol," as set forth in Paragraph 3 of that agreement.

- (2) On or about January 8, 2003, the Board issued to you a Notice of Opportunity for Hearing [Notice] alleging that you were impaired and that you had violated the conditions of limitation placed by the August 2002 Step I Consent Agreement upon your certificate to practice, including that you failed to abstain completely from the use of alcohol, you failed to self-report your relapse, you failed to submit a quarterly declaration, you failed to appear for a scheduled interview, and you failed to undertake and maintain participation in an alcohol and drug rehabilitation program.

*Mailed 2-12-04*

Thereafter, on or about June 11, 2003, you entered into a Step I Consent Agreement [June 2003 Step I Consent Agreement] with the Board in lieu of further formal proceedings based upon the Notice. Copies of the Notice and the June 2003 Step I Consent Agreement are attached hereto and incorporated herein.

In the June 2003 Step I Consent Agreement, you admitted to the factual and legal allegations of the Notice. In addition, you further admitted in the June 2003 Step I Consent Agreement that you entered Talbott Recovery Campus, a Board-approved treatment provider, in November 2002 for residential treatment of alcohol dependency, and that on February 18, 2003, you were given a one-week leave of absence to return to Ohio to attend to personal and financial matters. You further stated that you did not return to Talbott Recovery Campus until March 7, 2003, and admitted that during this leave of absence you relapsed on alcohol. You stated that you reported your relapse to the staff at Talbott Recovery Campus and completed a relapse prevention group; that your new date of sobriety was February 27, 2003; and that you were released from Talbott Recovery Campus on March 27, 2003. In the June 2003 Step I Consent Agreement, you also agreed to certain specified terms, conditions, and limitations, including that your certificate to practice medicine and surgery in the State of Ohio shall remain suspended for an indefinite period of time, but not less than one year from the effective date of the June 2003 Step I Consent Agreement.

Your certificate to practice medicine and surgery in Ohio remains suspended to date.

- (3)(a) Paragraph 3 of your June 2003 Step I Consent Agreement states that you “shall abstain completely from the use of alcohol.”
- (b) On or about November 6, 2003, in Miamisburg Municipal Court, you pled guilty to and were found guilty of a second offense of Driving Under the Influence of Alcohol and Drugs, in violation of Section 4511.19(A)(1), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs 1 through 3 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.

Further, your acts, conduct, and/or omissions as alleged in paragraph 3 above, individually and/or collectively, constitute a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” 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 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.

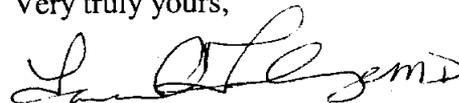
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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 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,



Lance A. Talmage, M.D.  
Secretary

LAT/blt  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5148 3138  
RETURN RECEIPT REQUESTED

cc: Elizabeth Y. Collis, LLC  
1560 Fishinger Road  
Upper Arlington, OH 43221

CERTIFIED MAIL # 7000 0600 0024 5146 5707  
RETURN RECEIPT REQUESTED

**JUNE 2003  
STEP I  
CONSENT AGREEMENT  
BETWEEN  
SANDRA KAY HAREWOOD, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Harewood enters into this Consent Agreement being fully informed of her rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

**BASIS FOR ACTION**

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4731.22(B), 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 violations of Section 4731.22(B)(26), Ohio Revised Code, "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;" Section 4731.22(B)(15), Ohio Revised Code, "violation of the conditions of limitation placed by the board upon a certificate to practice;" and Section 4731.22(B)(20), Ohio Revised Code, "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Section 4731.22(B)(26), Ohio Revised Code; Section 4731.22(B)(15), Ohio Revised Code; and Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731-15-01(A)(5), Ohio Administrative Code, Licensee Reporting Requirement, as these violations are set forth in Paragraph E below. 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.

STEP I CONSENT AGREEMENT  
SANDRA KAY HAREWOOD, M.D.  
PAGE 2

- C. Dr. Harewood is licensed to practice medicine and surgery in the State of Ohio, License #35-045538. That license is currently suspended pursuant to Dr. Harewood's August, 2002 Step I Consent Agreement.
- D. Dr. Harewood states that she was licensed to practice medicine and surgery in Nebraska, but that license was placed on inactive status at her request in 1994 and she is not currently licensed to practice medicine and surgery in any other state.
- E. Dr. Harewood admits to the factual and legal allegations as set forth in the January 8, 2003 Notice of Opportunity for Hearing, a copy of which is attached hereto and fully incorporated herein. In addition, Dr. Harewood states that she entered Talbott Recovery Campus, a Board-approved treatment provider, in Atlanta, Georgia in November, 2002 for residential treatment of alcohol dependency, and that on February 18, 2003 she was given a one-week leave of absence to return to Ohio to attend to personal and financial matters because she is a widow with a minor child. Dr. Harewood further states that she did not return to Talbott Recovery Campus until March 7, 2003. Dr. Harewood admits that during this leave of absence she relapsed on alcohol. Dr. Harewood states that she reported her relapse to the staff at Talbott Recovery Campus and completed a relapse prevention group; that her new date of sobriety is February 27, 2003; and that she was released from Talbott Recovery Campus on March 27, 2003.

**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. Harewood knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

**SUSPENSION OF CERTIFICATE**

1. The certificate of Dr. Harewood to practice medicine and surgery in the State of Ohio shall remain **SUSPENDED** for an indefinite period of time, but not less than one year from the effective date of this agreement.

**Sobriety**

2. Dr. Harewood shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to her by another so authorized by law who has full knowledge of Dr. Harewood's history of chemical dependency.
3. Dr. Harewood shall abstain completely from the use of alcohol.

STEP I CONSENT AGREEMENT  
SANDRA KAY HAREWOOD, M.D.  
PAGE 3

Releases: Quarterly Declarations and Appearances

4. Dr. Harewood 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. Harewood'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. Harewood further agrees to provide the Board written consent permitting any treatment provider from whom she obtains treatment to notify the Board in the event she 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. Harewood 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 15th 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. Harewood shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

Drug & Alcohol Screens: Supervising Physician

7. Dr. Harewood shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Harewood 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 days of the effective date of this Consent Agreement, Dr. Harewood shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Harewood shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who

STEP I CONSENT AGREEMENT  
SANDRA KAY HAREWOOD, M.D.  
PAGE 4

practices in the same locale as Dr. Harewood. Dr. Harewood 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. Harewood 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. Harewood must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Harewood 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. Harewood's quarterly declaration. It is Dr. Harewood's responsibility to ensure that reports are timely submitted.

Rehabilitation Program

8. Within thirty days of the effective date of this Consent Agreement, Dr. Harewood 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. Harewood 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. Harewood's quarterly declarations.

**CONDITIONS FOR REINSTATEMENT**

9. The Board shall not consider reinstatement of Dr. Harewood's certificate to practice medicine and surgery until all of the following conditions are met:
  - a. Dr. Harewood shall submit an application for reinstatement, accompanied by appropriate fees, if any.

STEP I CONSENT AGREEMENT  
SANDRA KAY HAREWOOD, M.D.  
PAGE 5

- b. Dr. Harewood shall demonstrate to the satisfaction of the Board that she can resume practice in compliance with acceptable and prevailing standards of care under the provisions of her 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. Harewood 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. Two written reports indicating that Dr. Harewood's ability to practice has been assessed and that she has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the Board for making such assessments and shall describe the basis for this determination.
- c. Dr. Harewood shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Harewood are unable to agree on the terms of a written Consent Agreement, then Dr. Harewood 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. Harewood'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. Harewood 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. Harewood has maintained sobriety.

10. In the event that Dr. Harewood 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

STEP I CONSENT AGREEMENT  
SANDRA KAY HAREWOOD, M.D.  
PAGE 6

Revised Code, to require additional evidence of Dr. Harewood's fitness to resume practice.

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

11. Within thirty days of the effective date of this Consent Agreement, Dr. Harewood 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 she currently holds any professional license. Dr. Harewood 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 she applies for any professional license or reinstatement of any professional license. Further, Dr. Harewood shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
12. Within thirty days of the effective date of this Consent Agreement, Dr. Harewood shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Harewood shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments.

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

#### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Harewood 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. Harewood acknowledges that she 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.

STEP I CONSENT AGREEMENT  
SANDRA KAY HAREWOOD, M.D.  
PAGE 7

Dr. Harewood 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, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Harewood agrees to provide her social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

**EFFECTIVE DATE**

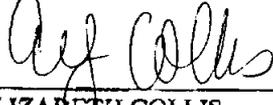
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
SANDRA KAY HAREWOOD, M.D.

  
ANAND G. GARG, M.D.  
Secretary

6-5-03  
DATE

6/11/03  
DATE

  
ELIZABETH COLLIS  
Attorney for Dr. Harewood

  
RAYMOND J. ALBERT  
Supervising Member

6/9/03  
DATE

6/11/03  
DATE

  
REBECCA ALBERS  
Assistant Attorney General

6/11/03  
DATE

**Talbott Recovery Campus**

**Continuing Care Plan**

**Sandra Harewood**

**March 25, 2003**

The following is a Continuing Care Plan being developed for Sandra Harewood. Talbott Recovery Campus is recommending the following as an outline for Continuing Care:

1. Attend daily meetings for 90 days and then 4-7 meetings a week. (Maintain a meeting log including the location of the meeting, group meeting name/type, time, meeting topic and discussion leader.)
2. Obtain and utilize a 12-step sponsor (ideally daily 10<sup>th</sup> contact).
3. Participate in frequent observed random urine drug screens (as set up by Ohio Physicians Effectiveness Program). Urine monitor will be Julia Lucente, MD.
4. Meet with Barry Farrier at OPEP to set up/revise monitoring contract with him.
5. Follow up with OPEP for monitoring and follow directions regarding outpatient treatment, aftercare, etc. Initial plan is to do aftercare at Bethesada, Mark Davis, 513-569-6116x6020.
6. Attend Caduceus Tuesday 8:15 pm at St. Francis of Assisi in Dayton, Ohio.
7. Review schedule weekly with sponsor and discuss with monitor.
8. Return to Talbott Recovery Campus in 3 months with documented sobriety for reassessment of treatment completion (documentation includes urine drugs screen results, meeting log, and letters from all monitors, therapist, sponsors, etc.) Talbott will need the documentation prior to the reassessment being scheduled.

Sandra Harewood 3-25-03  
Patient Date

[Signature] 3/25/03  
Continuing Care Director Date



# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

January 8, 2003

Sandra Kay Harewood, M.D.  
4473 Lotz Road  
Kettering, Ohio 45429

Dear Doctor Harewood:

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, permanently 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 August 14, 2002, you entered into a Step I 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. A copy of this Step I Consent Agreement is attached hereto and incorporated herein.

In this Step I Consent Agreement, you made certain admissions, including that in or about September 2001 you were evaluated at the Cleveland Clinic Foundation, as required by hospital administration following your involvement in an automobile accident; that as a result of such evaluation you received diagnoses including alcohol abuse and depression; and that you subsequently completed at least twenty-eight days of residential treatment at Greene Hall in or about October 2001. You further admitted that you entered into an advocacy contract with the Ohio Physicians Effectiveness Program [OPEP] in or about December 2001; that you submitted a urine specimen for analysis pursuant to your OPEP advocacy contract on or about July 12, 2002, and that such specimen tested positive for alcohol; that you subsequently admitted to having relapsed in or about July 2002; and that on August 2, 2002, you reported information concerning your treatment history and relapse to the Board and were admitted to Greene Hall for residential treatment. In this Step I Consent Agreement, you also agreed to certain specified terms, conditions, and limitations, including that your certificate to practice medicine and surgery would be suspended for an indefinite period of time, but not less than ninety days.

*Mailed 1-9-03*

To date, your certificate to practice medicine and surgery in Ohio remains suspended and subject to all terms, conditions, and limitations set forth in the Step I Consent Agreement.

- (2) Paragraph 3 of this Step I Consent Agreement states that you “shall abstain completely from the use of alcohol.”

Despite this provision, you tested positive for alcohol on or about October 31, 2002. In addition, the Board was notified by letter dated November 20, 2002, from a chemical dependency counselor at Greene Hall of Greene Memorial Hospital, a Board approved treatment provider, that you had been unable to maintain abstinence.

- (3) Paragraph 5 of this Step I Consent Agreement states that you “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.”

Despite this provision, you have failed to submit a quarterly declaration.

- (4) Paragraph 6 of this Step I Consent Agreement states that you “shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement.” By letter dated October 21, 2002, you were notified that your interview was scheduled to occur on November 13, 2002.

Nonetheless, you failed to appear on November 13, 2002, for your scheduled interview.

- (5) Paragraph 8 of this Step I Consent Agreement states that, within thirty days of the effective date of such Consent Agreement, you “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,” and further states that you “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 [your] quarterly declarations.”

Despite the requirements of this provision, you have failed to undertake and maintain participation in an alcohol and drug rehabilitation program no less than three times per week and/or have failed to submit acceptable documentary evidence of continuing compliance with such program.

- (6) You failed to self-report your relapse as required by Rule 4731-15-01(A)(5), Ohio Administrative Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) 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.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (2) through (5) above, individually and/or collectively, constitute a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (6) above, individually and/or collectively, constitute “violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-15-01(A)(5), Ohio Administrative 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 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.

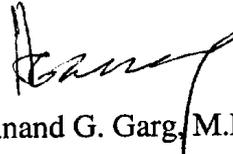
In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate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

Sandra Kay Harewood, M.D.  
Page 4

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.  
Secretary

AGG/blt  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5150 7766  
RETURN RECEIPT REQUESTED

**STEP I**  
**CONSENT AGREEMENT**  
**BETWEEN**  
**SANDRA KAY HAREWOOD, M.D.**  
**AND**  
**THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Harewood enters into this Consent Agreement being fully informed of her rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

**BASIS FOR ACTION**

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board 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 Board 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 E 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. Dr. Harewood is licensed to practice medicine and surgery in the State of Ohio, License # 35-045538.
- D. Dr. Harewood states that she is not currently licensed to practice medicine and surgery in any other State.
- E. Dr. Harewood admits that in or about September 2001, she was evaluated at the Cleveland Clinic Foundation, a Board approved treatment provider in Cleveland, Ohio, as required by hospital administration following her involvement in an

automobile accident. Dr. Harewood admits that as a result of such evaluation she received diagnoses including alcohol abuse and depression. Dr. Harewood further admits that she subsequently completed at least twenty-eight days of residential treatment at Greene Hall, a Board approved treatment provider in Xenia, Ohio, in or about October 2001. Dr. Harewood further admits that she entered into an advocacy contract with the Ohio Physicians Effectiveness Program in or about December 2001.

Further, Dr. Harewood admits that she submitted a urine specimen for analysis pursuant to her OPEP advocacy contract on or about July 12, 2002, and that such specimen tested positive for alcohol. Dr. Harewood admits that she subsequently admitted to having relapsed in or about July 2002 and that she reported information concerning her treatment history and relapse to the Board on August 2, 2002. Dr. Harewood further admits that she was admitted to Green Hall on or about August 2, 2002, for residential treatment and that such treatment continues to date.

### 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. Harewood knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

#### **SUSPENSION OF CERTIFICATE**

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

#### Sobriety

2. Dr. Harewood shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to her by another so authorized by law who has full knowledge of Dr. Harewood's history of chemical dependency.
3. Dr. Harewood shall abstain completely from the use of alcohol.

#### Releases; Quarterly Declarations and Appearances

4. Dr. Harewood 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. Harewood'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.

Harewood further agrees to provide the Board written consent permitting any treatment provider from whom she obtains treatment to notify the Board in the event she 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. Harewood 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 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.
6. Dr. Harewood shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

Drug & Alcohol Screens; Supervising Physician

7. Dr. Harewood shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Harewood 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 days of the effective date of this Consent Agreement, Dr. Harewood shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Harewood 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. Harewood. Dr. Harewood 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. Harewood 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. Harewood must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Harewood 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. Harewood's quarterly declaration. It is Dr. Harewood's responsibility to ensure that reports are timely submitted.

#### Rehabilitation Program

8. Within thirty days of the effective date of this Consent Agreement, Dr. Harewood 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. Harewood 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. Harewood's quarterly declarations.

#### **CONDITIONS FOR REINSTATEMENT**

9. The Board shall not consider reinstatement of Dr. Harewood's certificate to practice medicine and surgery until all of the following conditions are met:
  - a. Dr. Harewood shall submit an application for reinstatement, accompanied by appropriate fees, if any.
  - b. Dr. Harewood shall demonstrate to the satisfaction of the Board that she can resume practice in compliance with acceptable and prevailing standards of care under the provisions of her 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. Harewood 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. Two written reports indicating that Dr. Harewood's ability to practice has been assessed and that she has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the Board for making such assessments and shall describe the basis for this determination.
- c. Dr. Harewood shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Harewood are unable to agree on the terms of a written Consent Agreement, then Dr. Harewood 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. Harewood'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. Harewood 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. Harewood has maintained sobriety.

10. In the event that Dr. Harewood 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. Harewood's fitness to resume practice.

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

11. Within thirty days of the effective date of this Consent Agreement, Dr. Harewood 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 she currently holds any professional license. Dr. Harewood 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 she applies for any professional license or reinstatement of any professional license. Further, Dr. Harewood shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

12. Within thirty days of the effective date of this Consent Agreement, Dr. Harewood shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Harewood shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments.

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

#### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Harewood 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. Harewood acknowledges that she 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. Harewood hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

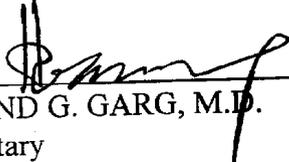
This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Harewood agrees to provide her social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

#### **EFFECTIVE DATE**

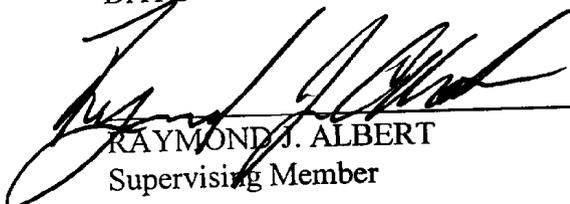
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
\_\_\_\_\_  
SANDRA KAY HAREWOOD, M.D.

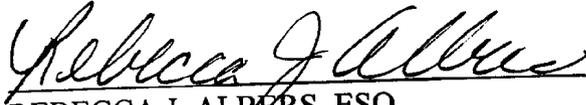
8-7-02  
\_\_\_\_\_  
DATE

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

8/14/02  
\_\_\_\_\_  
DATE

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

8/14/02  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
REBECCA J. ALBERS, ESQ.  
Assistant Attorney General

8/14/02  
\_\_\_\_\_  
DATE

**STEP I**  
**CONSENT AGREEMENT**  
**BETWEEN**  
**SANDRA KAY HAREWOOD, M.D.**  
**AND**  
**THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Harewood enters into this Consent Agreement being fully informed of her rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

**BASIS FOR ACTION**

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board 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 Board 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 E 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. Dr. Harewood is licensed to practice medicine and surgery in the State of Ohio, License # 35-045538.
- D. Dr. Harewood states that she is not currently licensed to practice medicine and surgery in any other State.
- E. Dr. Harewood admits that in or about September 2001, she was evaluated at the Cleveland Clinic Foundation, a Board approved treatment provider in Cleveland, Ohio, as required by hospital administration following her involvement in an

automobile accident. Dr. Harewood admits that as a result of such evaluation she received diagnoses including alcohol abuse and depression. Dr. Harewood further admits that she subsequently completed at least twenty-eight days of residential treatment at Greene Hall, a Board approved treatment provider in Xenia, Ohio, in or about October 2001. Dr. Harewood further admits that she entered into an advocacy contract with the Ohio Physicians Effectiveness Program in or about December 2001.

Further, Dr. Harewood admits that she submitted a urine specimen for analysis pursuant to her OPEP advocacy contract on or about July 12, 2002, and that such specimen tested positive for alcohol. Dr. Harewood admits that she subsequently admitted to having relapsed in or about July 2002 and that she reported information concerning her treatment history and relapse to the Board on August 2, 2002. Dr. Harewood further admits that she was admitted to Green Hall on or about August 2, 2002, for residential treatment and that such treatment continues to date.

### **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. Harewood knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

#### **SUSPENSION OF CERTIFICATE**

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

#### **Sobriety**

2. Dr. Harewood shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to her by another so authorized by law who has full knowledge of Dr. Harewood's history of chemical dependency.
3. Dr. Harewood shall abstain completely from the use of alcohol.

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

4. Dr. Harewood 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. Harewood'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.

Harewood further agrees to provide the Board written consent permitting any treatment provider from whom she obtains treatment to notify the Board in the event she 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. Harewood 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 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.
6. Dr. Harewood shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

Drug & Alcohol Screens; Supervising Physician

7. Dr. Harewood shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Harewood 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 days of the effective date of this Consent Agreement, Dr. Harewood shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Harewood 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. Harewood. Dr. Harewood 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. Harewood 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. Harewood must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Harewood 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. Harewood's quarterly declaration. It is Dr. Harewood's responsibility to ensure that reports are timely submitted.

#### Rehabilitation Program

8. Within thirty days of the effective date of this Consent Agreement, Dr. Harewood 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. Harewood 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. Harewood's quarterly declarations.

#### **CONDITIONS FOR REINSTATEMENT**

9. The Board shall not consider reinstatement of Dr. Harewood's certificate to practice medicine and surgery until all of the following conditions are met:
  - a. Dr. Harewood shall submit an application for reinstatement, accompanied by appropriate fees, if any.
  - b. Dr. Harewood shall demonstrate to the satisfaction of the Board that she can resume practice in compliance with acceptable and prevailing standards of care under the provisions of her 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. Harewood 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. Two written reports indicating that Dr. Harewood's ability to practice has been assessed and that she has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the Board for making such assessments and shall describe the basis for this determination.
- c. Dr. Harewood shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Harewood are unable to agree on the terms of a written Consent Agreement, then Dr. Harewood 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. Harewood'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. Harewood 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. Harewood has maintained sobriety.

10. In the event that Dr. Harewood 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. Harewood's fitness to resume practice.

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

11. Within thirty days of the effective date of this Consent Agreement, Dr. Harewood 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 she currently holds any professional license. Dr. Harewood 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 she applies for any professional license or reinstatement of any professional license. Further, Dr. Harewood shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

12. Within thirty days of the effective date of this Consent Agreement, Dr. Harewood shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Harewood shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments.

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

#### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Harewood 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. Harewood acknowledges that she 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. Harewood hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

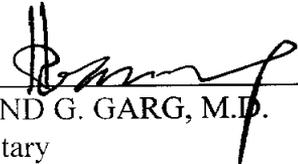
This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Harewood agrees to provide her social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

#### **EFFECTIVE DATE**

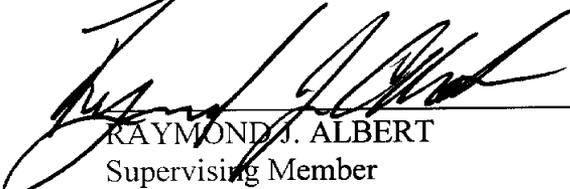
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
\_\_\_\_\_  
SANDRA KAY HAREWOOD, M.D.

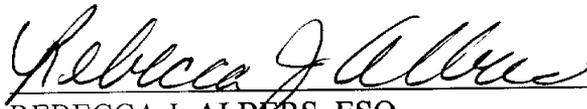
8-7-02  
\_\_\_\_\_  
DATE

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

8/14/02  
\_\_\_\_\_  
DATE

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

8/14/02  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
REBECCA J. ALBERS, ESQ.  
Assistant Attorney General

8/14/02  
\_\_\_\_\_  
DATE