

STEP I
CONSENT AGREEMENT
BETWEEN
JOHN FREDERICK GINGER, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

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

JOHN FREDERICK GINGER, M.D., enters into this CONSENT AGREEMENT being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

BASIS FOR ACTION

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

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(19) and (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 “inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills;” and “impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.”
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(B)(19) and (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. JOHN FREDERICK GINGER, M.D., is licensed to practice medicine and surgery in the State of Ohio.

- D. JOHN FREDERICK GINGER, M.D., is not licensed to practice medicine and surgery in any other state, nor does he have any applications for a license pending in any other state.
- E. JOHN FREDERICK GINGER, M.D., ADMITS that he was admitted to Miami Valley Hospital on or about September 13, 1997, due to a heart attack, and was discharged on or about September 16, 1997. DOCTOR GINGER further ADMITS that on or about October 31, 1997, he was admitted to Miami Valley Hospital for severe depression with suicidal ideation, and was discharged on or about November 4, 1997. DOCTOR GINGER further ADMITS that he was admitted to Miami Valley Hospital for partial outpatient hospitalization on or about September 29, 1998, due to psychiatric problems, and was discharged on or about October 23, 1998.

JOHN FREDERICK GINGER, M.D., STATES that he has not practiced medicine and surgery since on or about October 30, 1997. DOCTOR GINGER further STATES that he let his D.E.A. license lapse on or about September 30, 1998, since he did not foresee returning to practice.

JOHN FREDERICK GINGER, M.D., has provided the STATE MEDICAL BOARD OF OHIO with letters from his physicians, indicating that he is unable to practice medicine according to acceptable and prevailing standards of care. In his letter dated October 28, 1999, George G. Burton, M.D., states that DOCTOR GINGER is not fit to practice medicine at the present time due to his psychiatric difficulties which include severe anxiety neurosis, paranoid ideation, anxiety disorder, and panic disorder. Doctor Burton refers to his letter dated December 17, 1998, noting that his opinion has not changed, in which he states "I can categorically state that it would be dangerous to allow Dr. Ginger to continue his pediatric practice. It would be dangerous to him as it would put him in extreme risk from another heart attack and/or bout of severe agitated depression, and dangerous to his patients by way of exposing them to a physician who has recently met any criteria of 'impaired' that you can conjure up." In his letter dated January 10, 2000, Douglas Songer, M.D., states that DOCTOR GINGER should not be practicing medicine at this time. Dr. Songer states that although DOCTOR GINGER has shown progress in the past two years, DOCTOR GINGER continues to make poor decisions regarding his self care. Dr. Songer adds that DOCTOR GINGER's "sleep patterns are erratic at best, he is only intermittently compliant with medications, and he drinks alcohol excessively at times."

AGREED CONDITIONS

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

SUSPENSION OF CERTIFICATE

1. The certificate of DOCTOR GINGER to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time;

RELEASES

2. DOCTOR GINGER 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 DOCTOR GINGER's psychiatric disorder or related conditions, physical illness, drug/alcohol evaluation and/or treatment, or for purposes of complying with the CONSENT AGREEMENT, whether such treatment or evaluation occurred before or after the effective date of this CONSENT AGREEMENT. DOCTOR GINGER shall provide the BOARD with the names and addresses of any providers and/or institutions who provide psychiatric treatment and/or counseling for DOCTOR GINGER 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. DOCTOR GINGER further agrees to provide the BOARD written consent permitting any treatment provider from whom he obtains treatment to notify the BOARD in the event he fails to agree to or comply with any psychiatric treatment plan. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this CONSENT AGREEMENT.

CONDITIONS FOR REINSTATEMENT

3. The BOARD shall not consider reinstatement of DOCTOR GINGER's certificate to practice medicine and surgery unless and until all of the following conditions are met:
 - a. DOCTOR GINGER shall submit an application for reinstatement, accompanied by appropriate fees, if any;

b. DOCTOR GINGER shall demonstrate to the satisfaction of the BOARD that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:

i. Evidence of continuing full compliance with a psychiatric treatment plan including but not limited to, psychotherapy and prescribed and/or ordered medications, for a period of time not less than one year immediately preceding the application for reinstatement;

The treatment shall be conducted by a psychiatrist, approved in advance by the BOARD, who has reviewed DOCTOR GINGER's psychiatric treatment records prior to formulating DOCTOR GINGER's psychiatric treatment plan;

ii. Two written reports indicating that DOCTOR GINGER has been psychiatrically evaluated and that DOCTOR GINGER's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The evaluations shall be conducted by psychiatrists approved in advance by the BOARD. Prior to the assessments, DOCTOR GINGER shall provide the evaluators with copies of patient records from any psychiatric or other treatment that he has received and a copy of this CONSENT AGREEMENT. The reports shall describe the bases for the evaluators' determinations and shall include a detailed recommended plan of any care, counseling, and treatment that may be required for DOCTOR GINGER's psychiatric disorder. The reports shall also include any recommended conditions, restrictions, or limitations that should be imposed on DOCTOR GINGER's practice. One of the reports may be submitted by DOCTOR GINGER's BOARD approved treating psychiatrist;

iii. One written report, submitted by a physician who has been approved in advance by the BOARD, indicating that DOCTOR GINGER has had a physical examination, and that DOCTOR GINGER has been found capable of practicing according to acceptable and prevailing standards of care. Prior to the examination, DOCTOR GINGER shall provide the physician with copies of patient records from any psychiatric or other treatment that he has received and a copy

of this CONSENT AGREEMENT. The report shall describe the bases for the determination and shall include any recommended conditions, restrictions, or limitations that should be imposed on DOCTOR GINGER's practice;

- iv. One written report, submitted by a treatment provider approved under Section 4731.25 of the Revised Code, indicating that DOCTOR GINGER has had a chemical dependency evaluation, and that DOCTOR GINGER has been found capable of practicing according to acceptable and prevailing standards of care. Prior to the assessments, DOCTOR GINGER shall provide the evaluators with copies of patient records from any psychiatric or other treatment that he has received and a copy of this CONSENT AGREEMENT. The report shall describe the bases for the determination and shall include any recommended conditions, restrictions, or limitations that should be imposed on DOCTOR GINGER's practice;
- c. DOCTOR GINGER shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the BOARD or, if the BOARD and DOCTOR GINGER are unable to agree on the terms of a written CONSENT AGREEMENT, then DOCTOR GINGER 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 DOCTOR GINGER'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 and, upon termination of the consent agreement or Board Order, submission to the BOARD for at least two years of annual progress reports made under penalty of BOARD disciplinary action or criminal prosecution stating whether DOCTOR GINGER has maintained compliance with his psychiatric treatment plan.

- 4. Since DOCTOR GINGER has not been engaged in the active practice of medicine and surgery for a period in excess of two years, DOCTOR GINGER shall provide proof acceptable to the BOARD that he has taken and passed the SPEX (Special Purpose Examinations), or its equivalent as

approved in advance by the BOARD. Further, the BOARD may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of DOCTOR GINGER's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

5. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR GINGER shall provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. DOCTOR GINGER further agrees to provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, DOCTOR GINGER shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

6. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR GINGER shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR GINGER shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

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, DOCTOR GINGER 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

DOCTOR GINGER acknowledges that he has had an opportunity to ask questions concerning the terms of this CONSENT AGREEMENT and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

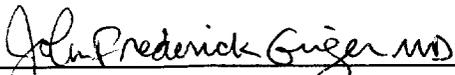
DOCTOR GINGER hereby releases THE STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

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

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

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.



JOHN FREDERICK GINGER, M.D.



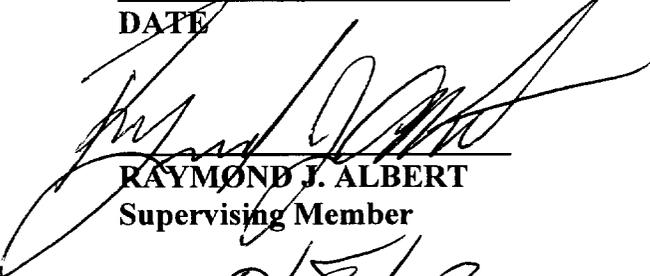
ANAND G. GARG, M.D.
Secretary

2/10/00

DATE

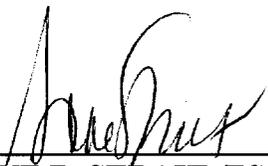
3/8/00

DATE

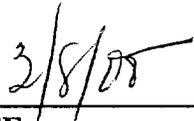


RAYMOND J. ALBERT
Supervising Member
3/8/00

DATE



ANNE B. STRAIT, ESQ.
Assistant Attorney General



DATE

Rev. 10/99