

**CONSENT AGREEMENT  
BETWEEN  
ROBERT C. SCHIFF, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

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

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

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(26), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."
- B. THE STATE MEDICAL BOARD OF OHIO is further empowered by Section 4731.22(B)(10), 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 "(c)ommission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed."
- C. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of further formal proceedings based upon the violations of Section 4731.22(B)(26) and (B)(10), Ohio Revised Code, as set forth in the Notice of Immediate Suspension and Opportunity for Hearing issued by the BOARD on May 10, 1995, a copy of which is attached hereto and fully incorporated herein. 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.

- D. ROBERT C. SCHIFF, M.D., is applying for reinstatement of his license to practice medicine and surgery in the State of Ohio.
- E. ROBERT C. SCHIFF, M.D., ADMITS that the STATE MEDICAL BOARD OF OHIO immediately SUSPENDED his license to practice medicine and surgery, on or about May 10, 1995, pursuant to Section 3719.121(C), Ohio Revised Code.
- F. Further, ROBERT C. SCHIFF, M.D., ADMITS that the acts, conduct, and/or omissions underlying the judicial finding of Eligibility for Treatment in Lieu of Conviction as referenced in the Notice of Immediate Suspension and Opportunity for Hearing issued by the BOARD on May 10, 1995, constitute commission of acts "that constitute a felony in this State" as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, 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" as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.
- G. ROBERT C. SCHIFF, M.D., ADMITS that he has suffered from narcotic dependence. DOCTOR SCHIFF further admits that he received treatment at Bethesda Oak Intensive Outpatient Alcohol and Drug Treatment Program in Cincinnati, Ohio, an unapproved treatment facility, from March 6, 1995, through May 4, 1995. DOCTOR SCHIFF further admits that he drank alcohol before completion of outpatient treatment. DOCTOR SCHIFF further admits that he was subsequently discharged to, and began Aftercare on May 8, 1995, at Bethesda's Blue Ash Alcohol and Drug Treatment Program.

DOCTOR SCHIFF further admits that he received partial hospitalization treatment at Deaconess Recovery Center in Cincinnati, Ohio, a BOARD approved treatment facility, from June 12, 1995, through June 23, 1995.

DOCTOR SCHIFF STATES, and the STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES, that DOCTOR SCHIFF has been evaluated by two physicians affiliated with BOARD approved treatment facilities, who report that DOCTOR SCHIFF is capable of practicing medicine according to acceptable and prevailing standards of care.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time pursuant to the Notice of Immediate Suspension and Opportunity for Hearing issued by the BOARD on May 10, 1995, the suspension of ROBERT C. SCHIFF, M.D.'s certificate to practice medicine and surgery in the State of Ohio pursuant to Section 3719.121 of the Ohio Revised Code is terminated upon the effective date of this CONSENT AGREEMENT. Further, ROBERT C. SCHIFF, M.D., knowingly and voluntarily agrees with the STATE MEDICAL BOARD OF OHIO (hereinafter BOARD), to the following PROBATIONARY terms, conditions and limitations:

1. DOCTOR SCHIFF shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. DOCTOR SCHIFF 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;
3. DOCTOR SCHIFF shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD;
4. In the event that DOCTOR SCHIFF should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR SCHIFF must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed;
5. In the event DOCTOR SCHIFF is found by the Secretary of the Board to have failed to comply with any provision of this agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under the CONSENT AGREEMENT;
6. DOCTOR SCHIFF shall immediately surrender his United States Drug Enforcement Administration Certificate. He shall be ineligible to hold, and shall not apply for, registration with the D.E.A. to prescribe, dispense or administer controlled substances without prior BOARD approval;

7. DOCTOR SCHIFF shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by State or Federal law;
8. DOCTOR SCHIFF shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of DOCTOR SCHIFF'S history of chemical dependency;
9. DOCTOR SCHIFF shall abstain completely from the use of alcohol;
10. DOCTOR SCHIFF shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR SCHIFF shall ensure that all screening reports are forwarded directly to the BOARD on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board;

Within thirty (30) days of the effective date of this Agreement, DOCTOR SCHIFF shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR SCHIFF shall submit the required urine specimens. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results;

DOCTOR SCHIFF shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, verifying whether all urine screens have been conducted in compliance with this CONSENT AGREEMENT, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities.

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

11. The BOARD retains the right to require, and DOCTOR SCHIFF agrees to submit, blood or urine specimens for analysis upon request and without prior notice;
12. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR SCHIFF shall submit for the BOARD's prior approval the name of a monitoring physician, who shall monitor DOCTOR SCHIFF and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR SCHIFF shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR SCHIFF must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR SCHIFF shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefor;
13. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR SCHIFF shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, approved in advance by the BOARD specifically for DOCTOR SCHIFF, no less than three (3) times per week. Substitution of any specific program must receive prior BOARD approval. At his appearances before the BOARD or its designated representative, DOCTOR SCHIFF shall submit acceptable documentary evidence of continuing compliance with this program;
14. DOCTOR SCHIFF shall contact an appropriate impaired physicians committee, approved by the BOARD, to arrange for assistance in recovery or aftercare;
15. DOCTOR SCHIFF shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, provided, that where terms of the aftercare contract conflict with terms of this Agreement, the terms of this Agreement shall control;
16. DOCTOR SCHIFF shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the BOARD, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations; and

17. Within thirty (30) days of the effective date of this Agreement, DOCTOR SCHIFF shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR SCHIFF shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments during the period in which this CONSENT AGREEMENT remains in force.

This Agreement shall remain in force for a minimum of three (3) years prior to any request for termination of said Agreement. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR SCHIFF appears to have violated or breached any terms or conditions of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

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

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

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

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



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

ROBERT C. SCHIFF, M.D.

6/29/95

DATE

THOMAS E. GREYTER, M.D.  
Secretary

7/13/95

DATE

PERRI-LYNNE B. SMILES, ESQ.  
Attorney for Dr. Schiff

6/29/95

DATE

RAYMOND J. ALBERT  
Supervising Member

7/13/95

DATE

ANNE C. BERRY STRAIT, ESQ.  
Assistant Attorney General

7/13/95

DATE



STATE MEDICAL BOARD OF OHIO

**NOTICE OF IMMEDIATE SUSPENSION  
AND  
OPPORTUNITY FOR HEARING**

May 10, 1995

Robert C. Schiff, M.D.  
9403 Kenwood Rd., Suite D-203  
Cincinnati, OH 45242

Dear Doctor Schiff:

In accordance with Sections 2929.17 and/or 3719.12(B), Ohio Revised Code, the Office of the Prosecuting Attorney of Hamilton County, Ohio reported that on or about May 4, 1995, the Hamilton County Court of Common Pleas found you Eligible for Treatment in Lieu of Conviction for a violation of Section 2925.22, Ohio Revised Code, Deception to Obtain Dangerous Drugs, pursuant to Section 2951.041 of the Ohio Revised Code.

Therefore, pursuant to Section 3719.121(C), Ohio Revised Code, you are hereby notified that your license to practice medicine and surgery in the State of Ohio is immediately suspended. Continued practice after this suspension shall be considered practicing medicine without a certificate in violation of Section 4731.41, Ohio Revised Code.

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

- (1) On or about April 26, 1995, in the Hamilton County Court of Common Pleas, you pleaded guilty to two felony counts of Deception to Obtain Dangerous Drugs in violation of Section 2925.22, Ohio Revised Code. Thereafter, on or about May 4, 1995, in the Hamilton County Court of Common Pleas, you were granted Treatment in Lieu of Conviction for the above counts pursuant to Section 2951.041, Ohio Revised Code.

*Mailed 5-11-95*

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- (2) Moreover, in order to grant your request for Treatment in Lieu of Conviction, the Court was required by statute to find that your "drug dependence was a factor leading to the criminal activity with which (you were) charged, and rehabilitation through treatment would substantially reduce the likelihood of additional criminal activity."

The acts, conduct, and/or omissions underlying this judicial finding of Eligibility for Treatment in Lieu of Conviction for a violation of Section 2925.22, Ohio Revised Code, Deception to Obtain Dangerous Drugs, as alleged in paragraph (1) above, individually and/or collectively, constitute "(c)ommission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.22, Ohio Revised Code, Deception to Obtain Dangerous Drugs.

Further, the acts, conduct, and/or omissions underlying this judicial finding of Eligibility for Treatment in Lieu of Conviction for a violation of Section 2925.22, Ohio Revised Code, Deception to Obtain Dangerous Drugs, 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.

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

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

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

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Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. E. Gretter, M.D.', written in a cursive style.

Thomas E. Gretter, M.D.  
Secretary

TEG/bjm

Enclosure

**CERTIFIED MAIL # P 348 886 887  
RETURN RECEIPT REQUESTED**

cc: James N. Perry, Esq.  
601 Main St.  
Cincinnati, OH 45202

**CERTIFIED MAIL # P 348 886 883  
RETURN RECEIPT REQUESTED**