

**STATE OF OHIO
THE STATE MEDICAL BOARD
SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY**

I, John Arthur Cheek, M.D., D.D.S., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, John Arthur Cheek, M.D., D.D.S., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35-047871, to the State Medical Board of Ohio, thereby relinquishing all rights to practice medicine and surgery in Ohio.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-047871 or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, on or after the date of signing this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I stipulate and agree that I am taking the action described herein in lieu of continuing compliance with the terms of the Step I Consent Agreement into which I entered with the State Medical Board of Ohio in March 2002, a copy of which is attached hereto and incorporated herein.

I, John Arthur Cheek, M.D., D.D.S., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

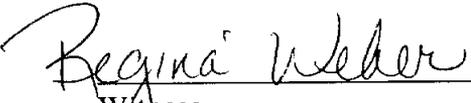
This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. I, John Arthur Cheek, M.D., D.D.S., agree to provide

my social security number to the Board and hereby authorize the Board to utilize that number in conjunction with that reporting.

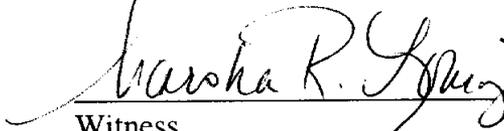
Signed this 22 day of November, 2002.



JOHN ARTHUR CHEEK, M.D., D.D.S.



Witness



Witness

Sworn to and subscribed before me this _____ day of _____, 200_____.

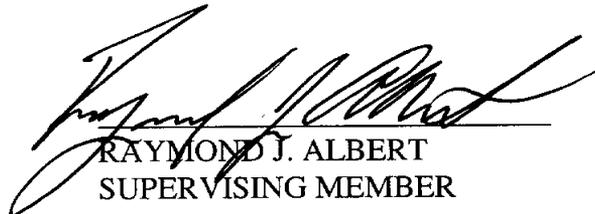
Notary Public

SEAL (This form must be either witnessed OR notarized)

Accepted by the State Medical Board of Ohio:



ANAND G. GARG, M.D.
SECRETARY



RAYMOND J. ALBERT
SUPERVISING MEMBER

11/29/02

DATE

11/26/02

DATE

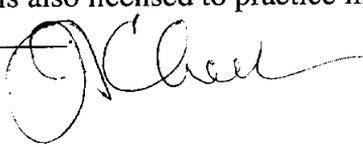
STEP I
CONSENT AGREEMENT
BETWEEN
JOHN A. CHEEK, M.D., D.D.S.,
AND
THE STATE MEDICAL BOARD OF OHIO

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

Dr. Cheek 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 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 violation of Section 4731.22(B)(26), “[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,” or Section 4731.22(B)(5), making “a false, fraudulent, deceptive, or misleading statement.” Further, the Board is empowered by Section 4731.22(A), Ohio Revised Code, to revoke a certificate for “fraud, misrepresentation, or deception in applying for or securing any,” license or certificate issued by the Board.
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Sections 4731.22(A), (B)(5) and (B)(26), Ohio Revised Code, as set forth in Paragraphs E and F 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. Cheek is licensed to practice medicine and surgery in the State of Ohio, License # 35-047871.
- D. Dr. Cheek states that he is also licensed to practice medicine and surgery in the State(s) of N/A 

- E. Dr. Cheek admits that he consumed alcohol on a daily basis from the mid-1980s until 1995, at which time he completed eight weeks of outpatient treatment for chemical dependency at Harding Hospital. Dr. Cheek further admits that he relapsed approximately two months following his outpatient treatment and by 1998 was again consuming alcohol on a daily basis. Dr. Cheek further admits that he kept bottles of vodka and wine at his office and in his automobile, and that he consumed alcohol in the mornings and the evenings.

Dr. Cheek further admits that he has been consuming Vicoprofen and other opioids since in or about 2000. Dr. Cheek further admits that he was taking approximately eight pills daily and that he obtained the opioids from his primary care physician and by taking samples from his office.

Dr. Cheek further admits that on the morning of February 14, 2002, he consumed alcohol and Lortab and was taken to Shepherd Hill Hospital, a Board-approved treatment provider, for detoxification, after he arrived at work in an intoxicated state and began treating a patient. Dr. Cheek further admits that he was diagnosed at Shepherd Hill Hospital with alcohol dependence and possible opioid dependence.

Dr. Cheek states that he remains in residential treatment at Shepherd Hill Hospital to date.

- F. Dr. Cheek further admits that in completing his application card for renewal of his certificate to practice medicine and surgery for the 1996-1998 biennial registration period and on subsequent renewal cards, he answered "No" to question three which asks "[a]t any time since signing your last application for renewal of your certificate . . . [h]ave you been addicted to or dependent upon alcohol or any chemical substance; or been treated for, or been diagnosed as suffering from, drug or alcohol dependency or abuse?"

Dr. Cheek further admits that he had, in fact, since signing his last application for renewal, been addicted to or dependent upon alcohol or any chemical substance, and/or treated for, or diagnosed as suffering from, alcohol dependency. Dr. Cheek further admits that at the time he signed such renewal cards, he had not successfully completed treatment at a program approved by the Board and subsequently adhered to all statutory requirements as contained in Section 4731.224 and 4731.25, Ohio Revised Code, and related provisions, and was not currently enrolled in a Board-approved program.

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

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Cheek to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than 180 days.

Sobriety

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

Releases; Quarterly Declarations and Appearances

4. Dr. Cheek 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. Cheek'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. Cheek further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.
5. Dr. Cheek 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. Cheek 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. Cheek shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Cheek 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. Cheek shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Cheek 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. Cheek. Dr. Cheek 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. Cheek 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. Cheek must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Cheek 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. Cheek's quarterly declaration. It is Dr. Cheek's responsibility to ensure that reports are timely submitted.

Rehabilitation Program

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

CONDITIONS FOR REINSTATEMENT

9. The Board shall not consider reinstatement of Dr. Cheek's certificate to practice medicine and surgery until all of the following conditions are met:
 - a. Dr. Cheek shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Cheek shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
 - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Cheek 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. Cheek'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 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. Cheek shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Cheek are unable to agree on the terms of a written Consent Agreement, then Dr. Cheek 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. Cheek'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. Cheek 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. Cheek has maintained sobriety.

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

REQUIRED REPORTING BY LICENSEE

11. Within thirty days of the effective date of this Consent Agreement, Dr. Cheek shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Cheek further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Cheek 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. Cheek shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Cheek 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, Dr. Cheek 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. Cheek acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

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

Dr. Cheek 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. Cheek agrees to provide his social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

EFFECTIVE DATE

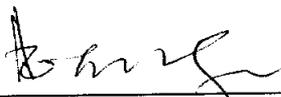
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.



JOHN A. CHEEK, M.D., D.D.S.

3-7-02

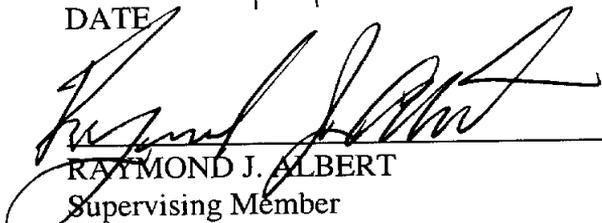
DATE



ANAND G. GARG, M.D.
Secretary

3/13/02

DATE



RAYMOND J. ALBERT
Supervising Member

3/13/03

DATE



REBECCA J. ALBERS, ESQ.
Assistant Attorney General

3/14/02
DATE