

STEP II
CONSENT AGREEMENT
BETWEEN
WILLIAM OWEN MURTAGH, JR., M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

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

Dr. Murtagh 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)(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 of the June 9, 2004, Step I Consent Agreement [June 2004 Step I Consent Agreement], between Dr. Murtagh and the Board, a copy of which is attached hereto and incorporated herein, 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. Murtagh is licensed to practice medicine and surgery in the State of Ohio, License #35-047907.
- D. Dr. Murtagh states that he is also licensed to practice medicine and surgery in the State of Florida.
- E. Dr. Murtagh admits that on May 25, 2004, he was admitted to the residential

treatment program at Talbott Recovery Campus [Talbott], a Board approved treatment provider, in Atlanta, Georgia, where he was treated for alcohol dependence and was discharged, treatment complete, on August 21, 2004.

Dr. Murtagh admits that in addition to a diagnosis of alcohol dependence, the staff of Talbott diagnosed him with depressive disorder, not otherwise specified. Dr. Murtagh further admits that following a psychological evaluation on August 31, 2004, at HealthCare Connection, a Board approved treatment provider in Tampa, Florida, the staff diagnosed him as having personality disorder not otherwise specified, with some dependent and narcissistic features, and further opined that he should participate in individual psychotherapy with a psychiatrist or psychologist who is experienced in the treatment of Axis II disorders by the application of psychodynamic or cognitive behavior principles. Dr. Murtagh further states that he remains in ongoing individual psychotherapy with K.B. Gupta, M.D.

- F. Dr. Murtagh states, and the Board acknowledges receipt of information to support, that since being discharged from Talbott, he has remained compliant with the recovery plan/aftercare contract into which he entered with Talbott on August 19, 2004, including attending 12-Step and Caduceus meetings regularly and submitting to random weekly urine screens. In addition, Dr. Murtagh states, and the Board acknowledges receipt of information to support, that Dr. Murtagh has remained compliant with the terms of the advocacy contract he entered into with the Ohio Physicians Health Program (formerly known as Ohio Physicians Effectiveness Program) in February 2004. Further, Dr. Murtagh admits that the aforementioned advocacy and aftercare contracts remain in effect to date.
- G. Dr. Murtagh further states, and the Board acknowledges, that Michael W. Wilkerson, M.D., of Talbott, and David P. Myers, M.D., of HealthCare Connection, have provided written reports indicating that Dr. Murtagh's ability to practice has been assessed and that he has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring conditions are in place, including that he comply with the terms of his aftercare contract with Talbott and participate in ongoing individual psychotherapy to address Axis II and marital/family issues.
- H. Accordingly, Dr. Murtagh states, and the Board acknowledges receipt of information to support, that Dr. Murtagh has fulfilled the conditions for reinstatement of his license to practice medicine and surgery in the State of Ohio, as established in the above-referenced June 2004 Step I Consent Agreement.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, the certificate of Dr. Murtagh to practice medicine

and surgery in the State of Ohio shall be reinstated, and Dr. Murtagh knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

1. Dr. Murtagh shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Murtagh 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 date his quarterly declaration would have been due pursuant to his June 2004 Step I Consent Agreement with the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Murtagh shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place on the date his appearance would have been scheduled pursuant to his June 2004 Step I Consent Agreement with the Board. 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. Murtagh 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. Murtagh 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.

MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. Dr. Murtagh 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. Murtagh's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Murtagh shall make his patient

records with regard to such prescribing available for review by an agent of the Board upon request.

7. Dr. Murtagh 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. Murtagh to administer or personally furnish controlled substances, Dr. Murtagh 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. Murtagh's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Murtagh shall make his 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. Murtagh 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. Murtagh's history of chemical dependency.
9. Dr. Murtagh shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Supervising Physician

10. Dr. Murtagh shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Murtagh 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.

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

Within thirty days of the effective date of this Consent Agreement, Dr. Murtagh shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Dr. Murtagh 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. Murtagh. Dr. Murtagh 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. Murtagh 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. Murtagh must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Murtagh 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. Murtagh's quarterly declaration. It is Dr. Murtagh's responsibility to ensure that reports are timely submitted.

11. The Board retains the right to require, and Dr. Murtagh agrees to submit, blood or urine specimens for analysis at Dr. Murtagh's expense upon the Board's request and without prior notice. Dr. Murtagh's refusal to submit a blood or urine specimen 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. Murtagh 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. Murtagh and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Murtagh and his medical practice, and shall review Dr. Murtagh'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. Murtagh and his medical practice, and on the review of Dr. Murtagh's patient charts. Dr. Murtagh 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. Murtagh's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Murtagh must immediately so notify the Board in writing. In addition, Dr. Murtagh 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. Murtagh 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. Within thirty days of the effective date of this Consent Agreement, Dr. Murtagh 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. Murtagh 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. Murtagh's quarterly declarations.

Aftercare/Physician Health Program

14. Dr. Murtagh shall maintain continued compliance with the terms of the continuing care plan/aftercare contract entered into with his treatment provider and the advocacy agreement entered into with the Ohio Physicians Health Program (formerly known as the Ohio Physicians Effectiveness Program) or, if approved in advance by the Board, another physician health program, provided that, where terms of the aftercare contract or advocacy contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Treatment

15. Within thirty days of the effective date of this Consent Agreement, Doctor Murtagh shall submit to the Board for its prior approval the name and qualifications of a psychiatrist, experienced in treating Axis II diagnoses by the application of psychodynamic or cognitive behavior principles, of his choice. Upon approval by the Board, Doctor Murtagh shall undergo and continue psychiatric treatment, to include individual psychotherapy focusing on dependent and narcissistic features and other symptoms of his personality disorder not otherwise specified, at least once a week or as otherwise directed by the Board. Doctor Murtagh shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his psychiatric disorder. Doctor Murtagh shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the Board on a quarterly basis, or as otherwise directed by the

Board. The psychiatric reports shall contain information describing Doctor Murtagh's current treatment plan and any changes that have been made to the treatment plan since the prior report; Doctor Murtagh's compliance with his treatment plan; Doctor Murtagh's mental status; Doctor Murtagh's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Doctor Murtagh shall ensure that his treating psychiatrist immediately notifies the Board of his failure to comply with his psychiatric treatment plan and/or any determination that Doctor Murtagh is unable to practice due to his psychiatric disorder.

It is Doctor Murtagh's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Doctor Murtagh's quarterly declaration.

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

16. Within thirty days of the effective date of this Consent Agreement, Dr. Murtagh shall submit to the Board for its prior approval the name and qualifications of a licensed marriage and family counselor of his choice, or upon approval by the Board, the name and qualifications of another licensed mental health professional who provides marriage and family counseling. Upon approval by the Board, Doctor Murtagh shall undergo and continue marriage and family counseling at least once every two weeks, or as otherwise directed by the Board. In the event the designated licensed marriage and family counselor or other licensed mental health professional becomes unable or unwilling to serve in this capacity, Dr. Murtagh must immediately so notify the Board in writing. In addition, Dr. Murtagh shall make arrangements acceptable to the Board for another licensed marriage and family counselor or other licensed mental health professional within thirty days after the previously designated marriage and family counselor becomes unable or unwilling to serve, unless otherwise determined by the Board. Upon approval by the Board, Dr. Murtagh shall undergo and continue marriage and family counseling at least once every two weeks, or as otherwise directed by the Board. Furthermore, Dr. Murtagh shall ensure that the previously designated licensed marriage and family counselor or other licensed mental health professional also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Dr. Murtagh shall comply with the marriage and family counseling treatment plan. Dr. Murtagh shall ensure that reports are forwarded by the licensed marriage and family counselor or other licensed mental health professional to the Board on a quarterly basis, or as otherwise directed by the Board. The reports shall contain information describing Dr. Murtagh's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Murtagh's compliance with the treatment plan; and Dr. Murtagh's progress in treatment. Dr. Murtagh shall ensure that the licensed marriage and family counselor or other licensed mental health professional immediately notifies the Board of his failure to comply with the treatment plan. It is Dr. Murtagh's responsibility to ensure that such quarterly reports are received in the Board's offices no later than the due date for Dr. Murtagh's quarterly declaration.

Releases

17. Dr. Murtagh shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment providers to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.

Required Reporting by Licensee

18. Within thirty days of the effective date of this Consent Agreement, Dr. Murtagh 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. Murtagh 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.
19. Within thirty days of the effective date of this Consent Agreement, Dr. Murtagh 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. Murtagh 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 for reinstatement of any professional license. Further, Dr. Murtagh shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
20. Dr. Murtagh shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Murtagh chemical dependency treatment or monitoring or psychiatric treatment or monitoring.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Murtagh 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. Murtagh has violated any term, condition or limitation of this Consent Agreement, Dr. Murtagh agrees that the violation, as alleged, also constitutes clear and convincing evidence that his 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. Murtagh shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Murtagh 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. Murtagh 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. Murtagh 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. Murtagh acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

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.

William O. Murtagh M.D.
WILLILAM OWEN MURTAGH, JR., M.D.
3-9-05

DATE

Anand G. Garg, M.D.
ANAND G. GARG, M.D. /TAD
Acting Secretary
3/10/05

DATE

Richard R. Malone / by Sallie J. Debolt
RICHARD R. MALONE *Per faxed authority March 8, 2005*
Attorney for William Owen Murtagh, Jr., M.D.

March 9, 2005
DATE

Raymond I. Albert
RAYMOND I. ALBERT
Supervising Member

3/10/05
DATE

Sallie J. Debolt
SALLIE J. DEBOLT
Enforcement Attorney

March 9, 2005
DATE

STATE MEDICAL BOARD
OF OHIO

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**STEP I
CONSENT AGREEMENT
BETWEEN
WILLIAM OWEN MURTAGH, JR., M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Murtagh 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)(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. Murtagh is licensed to practice medicine and surgery in the State of Ohio, License # 35-047907.
- D. Dr. Murtagh states that he is also licensed to practice medicine and surgery in the State of Florida.
- E. Dr. Murtagh admits that in October 2003, following intervention by his family, he initially entered treatment for alcohol addiction at Hazelden Foundation [Hazelden], a Board-approved treatment provider, in Center City, Minnesota, and that he was discharged, treatment complete, after approximately five weeks of treatment. Dr.

STEP I CONSENT AGREEMENT
WILLIAM O. MURTAGH, JR., M.D.
PAGE 2

Murtagh further states that, prior to his 2003 admission to Hazelden, he had no previous treatment, inpatient or outpatient, for chemical dependence.

Dr. Murtagh further admits that after approximately 48 hours after he was discharged from Hazelden, he drank hard liquor, with scotch being his alcohol of choice. Dr. Murtagh further admits that on May 25, 2004, following intervention by his family, he was admitted to Talbott Recovery Campus [Talbott], a Board-approved treatment provider, in Atlanta, Georgia, where he is currently a patient.

Further, Dr. Murtagh admits, and the Board acknowledges, that on May 28, 2004, he self-reported his admission to Talbott to the Board.

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

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Murtagh to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than 90 days.

Sobriety

2. Dr. Murtagh 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. Murtagh's history of chemical dependency.
3. Dr. Murtagh shall abstain completely from the use of alcohol.

Releases; Quarterly Declarations and Appearances

4. Dr. Murtagh 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. Murtagh'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. Murtagh 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

2004 JUN 10 10:11 AM

STEP I CONSENT AGREEMENT
WILLIAM O. MURTAGH, JR., M.D.
PAGE 3

provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.

- 5. Dr. Murtagh 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 sixteenth 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. Murtagh 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. Murtagh shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Murtagh 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.

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

Within thirty days of the effective date of this Consent Agreement, Dr. Murtagh shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. 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. Murtagh. Dr. Murtagh 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. Murtagh 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

STEP I CONSENT AGREEMENT
 WILLIAM O. MURTAGH, JR., M.D.
 PAGE 4

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

Rehabilitation Program

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

CONDITIONS FOR REINSTATEMENT

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

STATE MEDICAL BOARD
 OF OHIO
 2004 JUN 10 A 10:11

STEP I CONSENT AGREEMENT
WILLIAM O. MURTAGH, JR., M.D.
PAGE 5

- 2004 JUN 10 4:30 PM
- ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of 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. Murtagh'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 physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Murtagh. Prior to the assessments, Dr. Murtagh shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Murtagh, and any conditions, restrictions, or limitations that should be imposed on Dr. Murtagh's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement.

- c. Dr. Murtagh shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Murtagh are unable to agree on the terms of a written Consent Agreement, then Dr. Murtagh 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. Murtagh'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. Murtagh 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. Murtagh has maintained sobriety.

STEP I CONSENT AGREEMENT
WILLIAM O. MURTAGH, JR., M.D.
PAGE 6

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

REQUIRED REPORTING BY LICENSEE

- 11. Within thirty days of the effective date of this Consent Agreement, Dr. Murtagh 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. Murtagh 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. Murtagh 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. Murtagh 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. Murtagh 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. Murtagh 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. Murtagh 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.

STATE MEDICAL BOARD
OF OHIO
2004 JUN 10 A 10 11

STEP I CONSENT AGREEMENT
WILLIAM O. MURTAGH, JR., M.D.
PAGE 7

STATE MEDICAL BOARD
OF OHIO
2004 JUN 10 A 10:11

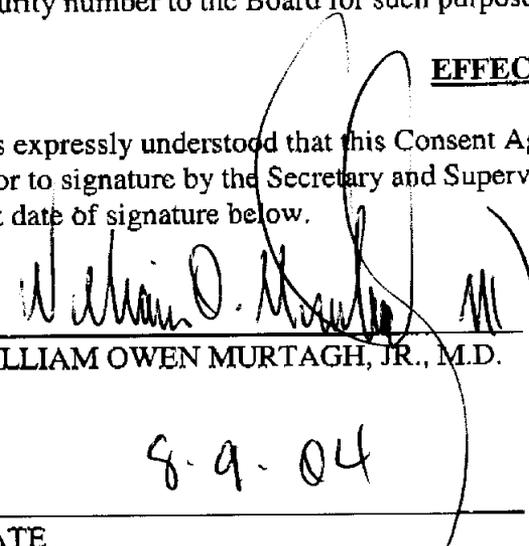
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

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

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.


WILLIAM OWEN MURTAGH, JR., M.D.

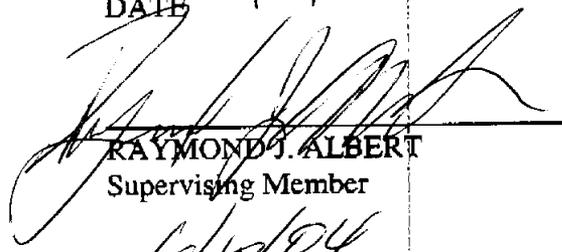
8-9-04

DATE


ANAND G. GARG, M.D.
Acting Secretary

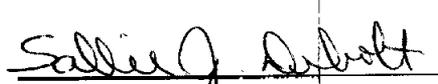
06/10/2004

DATE


RAYMOND J. ALBERT
Supervising Member

6/10/04

DATE


SALLIE J. DEBOLT
Enforcement Attorney

June 10, 2004
DATE

William O. Murtagh, Jr. M.D.
Talbot Recovery Campus
5448 Yorktowne Drive
Atlanta, GA 30349

Sallie J. Debolt
State Medical Board of Ohio
77 South High Street
17th Floor
Columbus, OH 43216

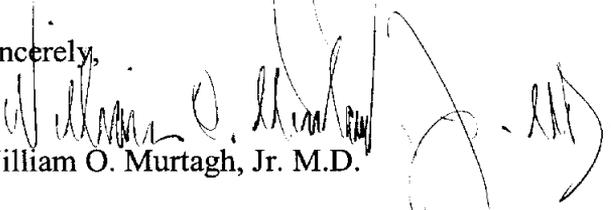
June 10, 2004

Dear Ms. Debolt,

Please be advised that I made a typographical error on my recently signed consent agreement with the Ohio State Medical Board. Inadvertently, I recorded the date as 8/9/04 instead of the actual date of 6/9/04. Please amend the effective date of the consent agreement to reflect a signature date of 6/9/04.

I apologize for any inconvenience this may have caused and appreciate your assistance in rectifying this matter.

Sincerely,


William O. Murtagh, Jr. M.D.

cc: Laurie Gilbert

OHIO STATE MEDICAL BOARD
JUN 16 2004