

**CONSENT AGREEMENT
BETWEEN
LARRY N. STEIN, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between LARRY N. STEIN, M.D. and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

DOCTOR STEIN voluntarily 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.

This Consent Agreement contains the entire Consent Agreement between the parties, there being no other Consent Agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

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 (hereinafter "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 any of the enumerated violations.
- B. The BOARD enters into this Consent Agreement in lieu of further formal proceedings based upon the violations of Section 4731.22, Ohio Revised Code, set forth in the Notice of Opportunity for Hearing issued by the BOARD on October 11, 2000, attached hereto as Exhibit A and incorporated herein by this reference. The BOARD expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4731 of the Ohio Revised Code whether occurring before or after the effective date of this Consent Agreement.
- C. DOCTOR STEIN'S Ohio license to practice medicine and surgery was suspended by operation of law on January 1, 2000, for failure to renew. The license has not since been reinstated.

- D. DOCTOR STEIN STATES that he is licensed to practice medicine and surgery in the State of Pennsylvania, but that his license is currently under an indefinite inactive status in that jurisdiction.
- E. DOCTOR STEIN ADMITS that he suffers from depression and that he is unable to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness as defined in R.C. 4731.22(B)(19). DOCTOR STEIN DENIES that his inactive status in the State of Pennsylvania represents a violation of R.C. 4731.22(B)(22).

AGREED CONDITIONS

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, DOCTOR STEIN knowingly and voluntarily agrees with the BOARD, to the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

- I. The certificate of LARRY N. STEIN, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED until he is able to demonstrate the ability to return to the practice of medicine. Such suspension shall become effective upon the date of the last signature below.

CONDITIONS FOR REINSTATEMENT

- II. The STATE MEDICAL BOARD shall not consider reinstatement of DOCTOR STEIN'S certificate to practice unless and until all of the following minimum requirements are met:
 - A. DOCTOR STEIN'S license to practice medicine in the State of Pennsylvania is restored and deemed active by the Pennsylvania State Board of Medicine.
 - B. DOCTOR STEIN 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. Two written reports indicating that DOCTOR STEIN'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 Ohio psychiatrists approved in advance by the Board and shall describe the basis for determination. DOCTOR STEIN agrees to release all treatment records, and provide a copy of this Consent Agreement to all

BOARD-approved evaluators. DOCTOR STEIN also agrees to allow the BOARD to provide such evaluators with any other information the BOARD deems appropriate. Such evaluations must be completed no more than six (6) months prior to any request for reinstatement.

- C. DOCTOR STEIN submits an application for reinstatement, accompanied by appropriate fees.
- D. In the event that DOCTOR STEIN has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to reinstatement, the BOARD may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of DOCTOR STEIN'S fitness to resume practice.

PROBATIONARY CONDITIONS

- III. Upon reinstatement, DOCTOR STEIN'S certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of five (5) years:
 - A. DOCTOR STEIN shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
 - B. DOCTOR STEIN shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the BOARD'S offices on the first day of the third month following the month in which this Consent Agreement becomes effective, 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;
 - C. DOCTOR STEIN shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed 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.

Although the BOARD will normally give DOCTOR STEIN written notification of scheduled appearances, it is DOCTOR STEIN'S responsibility to know when personal appearances will occur. If he does

not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR STEIN shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance.

- D. In the event that DOCTOR STEIN should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR STEIN 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.
- E. In the event DOCTOR STEIN 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 periods of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

MONITORING OF REHABILITATION AND TREATMENT

Psychiatric Treatment

- F. Within thirty (30) days of the beginning of his probationary period, DOCTOR STEIN shall submit to the BOARD for its prior approval the name and qualifications of a psychiatrist of his choice. Upon approval by the BOARD, DOCTOR STEIN shall undergo and continue psychiatric treatment weekly or as otherwise directed by the BOARD. DOCTOR STEIN shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his psychiatric disorder.

DOCTOR STEIN 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 STEIN'S current treatment plan and any changes that have been made to the treatment plan since the prior report; DOCTOR STEIN'S compliance with his treatment plan; DOCTOR STEIN'S mental status; DOCTOR STEIN'S progress in treatment; and the results of any laboratory studies that have been conducted since the prior report. DOCTOR STEIN 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 STEIN is unable to practice within acceptable and prevailing standards of care due to his/her psychiatric disorder. It is DOCTOR STEIN'S responsibility to ensure that the quarterly reports are received in the

BOARD'S offices no later than the due date for DOCTOR STEIN'S quarterly declaration.

Releases

- G. DOCTOR STEIN shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider and the Pennsylvania State Board of Medicine 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

- IV. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR STEIN 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 STEIN 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.
- V. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR STEIN 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 STEIN 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 STEIN shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

FAILURE TO COMPLY

DOCTOR STEIN agrees that if any declaration or report required by this Consent Agreement is not received in the BOARD'S offices on or before its due date, DOCTOR STEIN shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR STEIN appears to have violated or breached any term or condition of this Consent 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 Consent Agreement.

If the Secretary and Supervising Member of the BOARD determine that there is clear and convincing evidence that DOCTOR STEIN has violated any term, condition or limitation of this Consent Agreement, DOCTOR STEIN 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 the purposes of initiating a summary suspension pursuant to Section 4731.22(D), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

This Consent Agreement shall remain in force for a minimum of one year prior to any request for termination of said Consent 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.

Periods of time during which DOCTOR STEIN'S certificate to practice medicine and surgery is inactive due to nonpayment of renewal fees will not apply to the reduction of the probationary time periods set forth in this Consent Agreement, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that the purposes of the probationary monitoring will be fulfilled.

ACKNOWLEDGMENTS/LIABILITY RELEASE

DOCTOR STEIN 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.

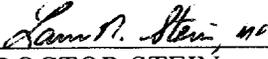
DOCTOR STEIN hereby releases the STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

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.


DOCTOR STEIN

3/17/01
DATE


TERR LYNNE SMILES, ESQ.
Dr. Stein's Attorney

3/26/01
DATE


ANAND G. GARG, M.D.
Secretary

4/11/01
DATE


RAYMOND J. ALBERT
Supervising Member

4/11/01
DATE


HANZ WASSERBURGER
Assistant Attorney General

4/11/01
DATE



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

October 11, 2000

Larry N. Stein, M.D.
6700 Saginaw Court
Baltimore, Maryland 21209

Dear Doctor Stein:

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

- (1) On or about February 22, 2000, the Pennsylvania State Board of Medicine (hereinafter the "Pennsylvania Board") adopted an Order approving a Consent Agreement which provided that your Pennsylvania license to practice shall continue on inactive status and that you shall totally refrain from the practice of medicine in Pennsylvania until such time as you demonstrate to the Pennsylvania Board that you can resume the competent practice of medicine with reasonable skill and safety to patients.

In the Consent Agreement, you admitted that you suffer from depression, a condition for which you are still being treated, and that you do not anticipate returning to the practice of medicine for the foreseeable future. A copy of the Pennsylvania Board Consent Agreement and Order are attached hereto and incorporated herein.

The Pennsylvania Board Consent Agreement and Order as alleged in paragraph (1) above, constitutes "[a]ny of the following actions taken by the state agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;" as that language is used in Section 4731.22(B)(22), 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

Mailed 10-12-00

Larry N. Stein, M.D.

Page 2

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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.
Secretary

AGG/jag
Enclosures

CERTIFIED MAIL # Z 281 981 575
RETURN RECEIPT REQUESTED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

STATE MEDICAL BOARD
JUL 28 2000

Commonwealth of Pennsylvania, Bureau of
Professional and Occupational Affairs

v.

Larry N. Stein, M.D.,
Respondent

0048-misc-00
Docket No. ~~97-99~~
File No. 97-49-03101

BUREAU OF PROFESSIONAL
AND OCCUPATIONAL
AFFAIRS
FEB 29 9 04 AM '00
PROTHONOTARY

CONSENT AGREEMENT AND ORDER

The Commonwealth and Respondent stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Medicine pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended ("Act"), 63 P.S. § 422.1 et seq.

2. At all relevant and material times, Larry N. Stein, M.D. ("Respondent") held a license to practice medicine in the Commonwealth of Pennsylvania, License No. MD 030579-E.

3. Respondent's license is current through December 31, 2000 and may be renewed thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

4. Respondent's last known address on file with the Board is 67 Jefferson Avenue, Sharon, Pennsylvania 16146, however, Respondent now resides at 6700 Saginaw Circle, Baltimore, Maryland 21209.

5. The Respondent admits the following:

- a. Respondent's specialty is ophthalmology.
- b. Respondent is 47 years of age.

c. Respondent has not seen patients for approximately two years.

d. Respondent took a leave of absence from his hospital staff privileges at Shenango Valley Hospital in July, 1996.

e. Respondent admits he suffered from depression; a condition for which he collects disability and for which he is still being treated.

f. Respondent admits that he does not anticipate returning to the practice of medicine for the foreseeable future.

6. The condition from which Respondent suffers, described above, constitutes an "illness" within the meaning of the Act at 63 P.S. § 422.41(5), and therefore, results in a violation under said provision.

7. As a result of the above condition, the Respondent has previously written the Board to request that his license to practice medicine in the Commonwealth of Pennsylvania be placed on inactive status.

8. The parties consent to the issuance of the following Order in settlement of this matter:

a. Respondent's license to practice medicine in the Commonwealth of Pennsylvania shall continue on inactive status and shall be subject to the following conditions imposed pursuant to 49 Pa. Code § 16.15(f):

i. Respondent shall totally refrain from the practice of medicine in the Commonwealth of Pennsylvania, including, but not limited to, the rendering of any treatment to patients until such time as Respondent has demonstrated to the Board pursuant to the Act at 63

P.S. § 422.41(5) that Respondent can resume the competent practice of medicine with reasonable skill and safety to patients.

b. Respondent shall have the right to apply to have the above conditions removed and/or to have his license to practice medicine and surgery in this Commonwealth returned to active status at any time upon a demonstration by Respondent that he can resume the competent practice of medicine with reasonable skill and safety to patients.

9. Respondent waives the filing and service of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; the right to present witnesses and testimony in defense or in mitigation of the sanction or conditions imposed herein; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

10. This Consent Agreement is between the Commonwealth and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

11. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. The participants waive any objection to a Board member's consideration of this Agreement in the event that the member participated in a prior decision to prosecute this matter.

This paragraph is binding on the participants even if the Board does not approval this Consent Agreement.

12. This Agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this Agreement.

13. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

B. A. Cero
Benjamin A. Cero, Esq.
Prosecuting Attorney
Bureau of Professional and
Occupational Affairs

DATED: 2/07/00

Larry N. Stein, M.D.
Larry N. Stein, M.D.
Respondent

DATED: 1/29/2000

Francis J. Klemensic, Esq.
Francis J. Klemensic, Esq.
Respondent's Attorney

DATED: 2/3/00

.III 282000

ORDER

AND NOW, this ^{2nd} day of *February*, 2000, the State Board of Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 8, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS

Dorothy Childress

Dorothy Childress
Commissioner

Date of mailing:

For the Commonwealth:

For Respondent:

BY ORDER:
STATE BOARD OF MEDICINE

Charles D. Hummer, Jr.
Charles D. Hummer, Jr., M.D.
Chairman

2/29/00

Benjamin A. Cero, Esquire
P. O. Box 2649
Harrisburg, PA 17105-2649

Francis J. Klemensic, Esquire
Suite 300, 300 State Street
Erie, PA 16507

State Medical Board of Ohio

Memorandum

TO: File

FROM: Charles A. Woodbeck, Compliance Group Enforcement Coordinator

DATE: August 23, 2000

RE: Larry N. Stein, M.D., Technical Error in Pennsylvania Medical Board Consent Agreement and Order filed February 29, 2000

*CAW
8/23/00*

In response to my query on the pagination of the above which is numbered page one through four and then page six, I received a call August 23, 2000, from Cindy L. Warner, Administrative Officer, Chief, Physician/Podiatrist Unit, the Pennsylvania Medical Board certifying authority.

Ms Warner stated that there are total of five (5) pages only to the above Pennsylvania Medical Board Consent Agreement and Order. As reads page six, should read page 5; it was a pagination error.

Enclosure

PA Consent Agreement and Order filed February 29, 2000.