

STATE MEDICAL BOARD
OF OHIO

2004 FEB 11 A 11: 57

**ADDENDUM
TO THE STEP II
CONSENT AGREEMENT
BETWEEN
ANN V. GOVIER, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO**

This Addendum to the January 2003 Step II Consent Agreement Between Ann V. Govier, M.D., and the State Medical Board of Ohio [Addendum] is entered into by and between Ann V. Govier, M.D. [Dr. Govier], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code. A copy of the January 13, 2003, Step II Consent Agreement Between Ann V. Govier, M.D., and the State Medical Board of Ohio [Step II Consent Agreement] is attached hereto and incorporated herein.

Dr. Govier enters into this Addendum being fully informed of her rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel.

BASIS FOR ACTION

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

- A. Dr. Govier states, and the Board acknowledges, that Dr. Govier has submitted to the Board a written request for modification of paragraph 7 of the Step II Consent Agreement to allow her to engage in the administration of intravenous operative opiates.
- B. Dr. Govier states, and the Board acknowledges, that Richard N. Whitney, M.D., of Shepherd Hill Hospital, a treatment provider approved pursuant to Section 4731.25, Ohio Revised Code, has submitted a written report indicating that Dr. Govier's ability to practice has been assessed and that she has been found capable of engaging in the administration of intravenous operative opiates according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place. Dr. Govier admits that Dr. Whitney's report includes recommendations that Dr. Govier complete the provisions of her aftercare/continuity of care contract with Shepherd Hill, to include completion of two years of aftercare and Caduceus meetings; complete the provisions of her monitoring contract with the Ohio Physicians Effectiveness Program; and continue to attend Alcoholics Anonymous meetings. Dr. Govier and the Board agree that Dr. Whitney opined that no other testing is needed at this time.
- C. Dr. Govier states, and the Board acknowledges, that Evelina Worwag, M.D., a Board Certified Anesthesiologist who was approved by the Secretary of the Board to observe

Dr. Govier performing operative anesthesia, has submitted a written report indicating that she has observed Dr. Govier administering intraoperative opiates in fifteen cases and that as a result of the case observation Dr. Govier was found to be capable of administering intravenous operative opiates within acceptable and prevailing standards of care. Dr. Govier states, and the Board acknowledges, that Dr. Worwag's report includes that Dr. Govier's selection of anesthetic techniques was appropriate, as was her assessment of patients preoperatively; that Dr. Govier encountered no difficulties in placing intravenous catheters; that Dr. Govier's skills in regard to the administration of anesthesia during induction, maintenance and emergence were excellent; and that Dr. Govier demonstrated good knowledge and skills while delivering anesthesia to surgical patients. Dr. Govier states, and the Board acknowledges, that Dr. Worwag's report included that Dr. Worwag did not recommend additional monitoring or supervision or that additional conditions, restrictions or limitations be imposed on Dr. Govier's practice of anesthesia.

AGREED MODIFICATIONS

Based upon the information referenced above, it is mutually understood and agreed between Govier and the Board that the restriction on Dr. Govier's performance of operative anesthesia, contained in paragraph 7 of the Step II Consent Agreement, shall be and hereby is lifted by the Board; and that all other terms, conditions and limitations of the Step II Consent Agreement shall remain in full force and effect as set forth in the Step II Consent Agreement, with any modifications approved by the Board.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Govier appears to have violated or breached any term or condition of this Addendum or the Step II 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 Addendum or the Step II Consent Agreement.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Govier has violated any term, condition or limitation of this Addendum or the Step II Consent Agreement, Dr. Govier agrees that the violation, as alleged, also constitutes clear and convincing evidence that her 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

The terms, conditions, and limitations of the Step II Consent Agreement and Addendum may be amended or terminated in writing in accordance with the terms set forth in the Step II Consent Agreement.

STATE MEDICAL BOARD
OF OHIO
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ACKNOWLEDGMENTS/LIABILITY RELEASE 2004 FEB 11 A 11: 57

Dr. Govier acknowledges that she has had an opportunity to ask questions concerning the terms of this Addendum and the Step II 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 Addendum or the Step II Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Govier 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 Addendum and the Step II Consent Agreement shall be considered public records 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. Govier acknowledges that her social security number will be used if this information is so reported and agrees to provide her social security number to the Board for such purposes.

EFFECTIVE DATE

It is expressly understood that this Addendum 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.


ANN V. GOVIER, M.D.

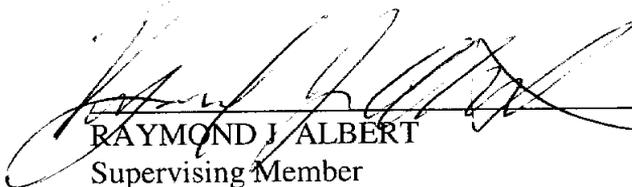

LANCE A. TALMAGE, M.D.
Secretary

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DATE

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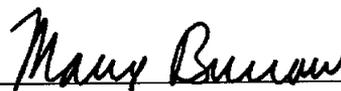
ERIC PLINKE, Esq.
Attorney for Dr. Govier



RAYMOND J ALBERT
Supervising Member

2/11/04
DATE

2/11/04
DATE



MARCIE BURROW
Enforcement Attorney

2/11/04
DATE

STATE MEDICAL BOARD
OF OHIO
2004 FEB 11 A 11:57

STEP II
CONSENT AGREEMENT
BETWEEN
ANN VERLENE GOVIER, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

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

Dr. Govier enters into this Consent Agreement being fully informed of her 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, 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 violations of Section 4731.22(B)(5), Ohio Revised Code, “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board;” Section 4731.22(B)(15), Ohio Revised Code, “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice;” and/or Section 4731.22(B)(26), Ohio Revised Code, “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 violations of Section 4731.22(B)(15) and (B)(26), Ohio Revised Code, as set forth in Paragraphs E through G, of the June 12, 2002, Step I Consent Agreement between Ann Verlene Govier, M.D., and The State Medical Board of Ohio, a copy of which is attached hereto and fully incorporated herein, and the violations of Sections 4731.22(B)(5) and (B)(15), Ohio Revised Code, as set forth in Paragraph 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 Consent Agreement.

- C. Dr. Govier is applying for reinstatement of her license to practice medicine and surgery in the State of Ohio, License # 35-051156, which was suspended pursuant to the terms of the above-referenced June 2002 Step I Consent Agreement.
- D. Dr. Govier states that she also is licensed to practice medicine and surgery in the State of Indiana, however her medical license is suspended and subject to conditions. Dr. Govier states that she also is licensed to practice medicine and surgery in the State of Washington, however her medical license is conditioned and limited.
- E. Dr. Govier admits that after transferring from Brighton Hospital, a Board approved treatment provider in Brighton, Michigan, to Shepherd Hill Hospital, a Board approved treatment provider in Newark, Ohio, on or about May 29, 2002, for continued residential treatment for her alcohol dependence and major depression, recurrent, she consumed alcohol during a therapeutic leave from Shepherd Hill Hospital on or about July 6, 2002. Dr. Govier further admits that on or about July 7, 2002, she returned to residential treatment at Shepherd Hill Hospital, completed the recommended course of treatment and was discharged on August 30, 2002. Dr. Govier further admits that she has continued psychiatric treatment, including medication therapy, with Patrice Arehart, M.D., and psychotherapy, with Wendy Flowers, Ph.D., related to her diagnosis of major depression, recurrent, since her discharge from Shepherd Hill Hospital.
- F. Dr. Govier admits that her use of alcohol on July 6, 2002, as discussed above in Paragraph E, was in violation of Paragraph 3 of her June 2002 Step I Consent Agreement, which required that she "abstain completely from the use of alcohol." Dr. Govier further admits that to comply with the terms of Paragraph 5 of her June 2002 Step I Consent Agreement, she submitted a quarterly declaration on or about September 11, 2002, wherein she declared that she had continued to comply with all the probationary terms, conditions and limitations imposed upon her by the State Medical Board of Ohio, when, in fact, she had violated Paragraph 3 her June 2002 Step I Consent Agreement by consuming alcohol on July 6, 2002, as discussed above in Paragraph E.
- G. Dr. Govier states and the Board acknowledges receipt of information to support that since being discharged from Shepherd Hill on or about August 30, 2002, she has remained compliant with her recovery plan/aftercare contract with her treatment provider, Shepherd Hill Hospital, and with the advocacy contract into which she entered with the Ohio Physicians Effectiveness Program on or about February 7, 2001. Dr. Govier further admits that such recovery plan/aftercare and advocacy contracts remain in effect to date.

- H. Dr. Govier states and the Board acknowledges that Richard Whitney, M.D., of Shepherd Hill Hospital, a Board approved treatment provider in Newark, Ohio; Edna Jones, M.D., of Parkside Behavioral Healthcare, a Board approved treatment provider in Gahanna, Ohio; and Patrice Arehart, M.D., a psychiatrist approved by the Board for purposes of this evaluation, of Licking Memorial Behavioral Health, in Newark, Ohio, have provided written reports indicating that Dr. Govier's ability to practice has been assessed and that she has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place.
- I. Dr. Govier states and the Board acknowledges that except as noted in Paragraph F above, Dr. Govier has fulfilled the conditions for reinstatement of her certificate to practice medicine and surgery in the State of Ohio, as established in the above-referenced June 2002 Step I Consent Agreement between Dr. Govier and 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, the certificate of Dr. Govier to practice medicine and surgery in the State of Ohio shall be reinstated, and Dr. Govier knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

REPRIMAND

1. Dr. Govier is hereby Reprimanded for her violation of Sections 4731.22(B)(5) and (B)(15), Ohio Revised Code, as set forth in Paragraph F above.

PROBATIONARY TERMS, CONDITIONS AND LIMITATIONS

2. Dr. Govier shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
3. Dr. Govier 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 her quarterly declaration would have been due pursuant to her June 2002 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.
4. Dr. Govier 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 her appearance would have been scheduled pursuant to her June 2002 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.

5. In the event that Dr. Govier should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Govier 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 this 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.
6. In the event Dr. Govier 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

Practice and Drug Associated Restrictions

7. Dr. Govier shall not engage in the administration of intravenous operative opiates without prior approval of the Board. The Board shall not consider lifting this restriction, except as specified below for purposes of fulfilling the requirements of this paragraph, unless and until the following conditions are met:
 - a. Dr. Govier shall submit a written request for modification of this paragraph to allow her to engage in the administration of intravenous operative opiates. Such request shall not be made for a period of at least 180 days from the effective date of this Step II Consent Agreement.
 - b. Dr. Govier shall demonstrate to the satisfaction of the Board that she can resume the administration of intravenous operative opiates in compliance with acceptable and prevailing standards of care. Such demonstration shall include but shall not be limited to the following:
 - i. A written report indicating that Dr. Govier's ability to practice has been assessed within the preceding 90 days, but not prior to 180 days from the effective date of this Consent Agreement, and that she has been found capable of engaging in the administration of intravenous operative opiates according to acceptable and prevailing standards of care. The report shall be made by a physician affiliated with a treatment provider approved pursuant to Section 4731.25, Ohio Revised Code. Prior to the assessment, Dr. Govier shall ensure that the assessing physician has been provided with copies of her consent agreements with the Board and her records of prior treatment and of

monitoring and recovery activities. The report from the assessing physician shall include any recommendations for additional treatment, monitoring, or supervision of Dr. Govier, and any additional conditions, restrictions or limitations that should be imposed on Dr. Govier's practice. The report shall also describe the bases for the assessing physician's determination.

- ii. A written report from a Board approved physician observer indicating that Dr. Govier has been observed administering intravenous operative opiates in fifteen cases and that as a result of such case observation, Dr. Govier was found to be capable of administering intravenous operative opiates within acceptable and prevailing standards of care. The report from the physician observer shall include any recommendations for additional monitoring or supervision of Dr. Govier, and any additional conditions, restrictions, or limitations that should be imposed on Dr. Govier's practice. The report shall also briefly describe the observed cases and Dr. Govier's performance, as well as that bases for the physician observer's determinations.

Prior to engaging in the administration of intravenous operative opiates as permitted by this paragraph, and concurrent with or subsequent to fulfilling the conditions of Paragraphs 7.a. and 7.b.ii., Dr. Govier shall submit the name and curriculum vitae of a physician observer, who shall be a Board Certified Anesthesiologist, for prior written approval by the Secretary of the Board. Following Dr. Govier's receipt of written notification from the Board that her physician observer has been approved and that she may administer intravenous operative opiates in the presence of the physician observer for purposes of fulfilling the requirements of this paragraph, Dr. Govier shall perform fifteen cases of administration of intravenous operative opiates in the presence of the physician observer.

- c. The Board and Dr. Govier have entered into an addendum to this Step II Consent Agreement stating that Dr. Govier is authorized to engage in the administration of intravenous operative opiates and incorporating any recommendations of the assessors or physician observer, or, if the Board and Dr. Govier are unable to agree on the terms of a written agreement, then Dr. Govier 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.

Nothing in this paragraph is intended to limit Dr. Govier's practice of pain management or performance of anesthesia, on condition that such practices do not involve the handling of intravenous operative opiates.

8. Dr. Govier 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. Govier's personal appearance before the Board or its

designated representative, or as otherwise directed by the Board. Further, Dr. Govier shall make her patient records with regard to such prescribing, administering or personally furnishing available for review by an agent of the Board upon request.

If Dr. Govier administers any medications, including controlled substances, she shall transfer to another legally authorized person any unused "waste" medications and shall provide to the Board, along with the aforementioned log, documentation acceptable to the Board evidencing such transfer. In addition, Dr. Govier shall ensure that an assay of such unused "waste" medications occurs at her expense, and that all assay reports are forwarded directly to the Board on a quarterly basis. The assay may be done on a random basis, with the frequency to be determined by the Board.

Sobriety

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

Drug and Alcohol Screens

Urine Screenings/Supervising Physician

11. Dr. Govier shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Govier 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. Govier shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Dr. Govier 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. Govier. Dr. Govier 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. Govier 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. Govier must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Govier 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. Govier's quarterly declaration. It is Dr. Govier's responsibility to ensure that reports are timely submitted.

12. The Board retains the right to require, and Dr. Govier agrees to submit, blood or urine specimens for analysis at Dr. Govier's expense upon the Board's request and without prior notice. Dr. Govier'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.

Breathalyzer Screenings

13. Before engaging in any medical practice, Dr. Govier shall submit a plan for breathalyzer administration, to include detailed information as to the type of equipment to be utilized, as well as the name and qualifications of the individual(s) who will operate the breathalyzer and who will calibrate and otherwise appropriately maintain the breathalyzer equipment, for prior written approval by the Secretary or Supervising Member of the Board. The Secretary and Supervising Member shall consider, among other factors, whether the proposed equipment is adequate and whether the proposed breathalyzer operator is appropriately trained to administer the testing and maintain the equipment, which will ensure the protection of the public, prior to approval or disapproval of the proposed plan.

Dr. Govier shall submit to a breathalyzer screening, in accordance with the approved plan, prior to commencement of each work period or as otherwise directed by the Board. In the event that the breathalyzer screening indicates the presence of alcohol, Dr. Govier shall immediately submit a blood specimen for analysis, at her expense, and shall refrain from work during that work period.

Dr. Govier shall immediately notify the Board of any positive breathalyzer results and all blood screening results. Such notice shall be through telephone communication to the Board at the earliest opportunity, and shall be followed by written communication to the Board. In addition, Dr. Govier shall ensure that all blood screening reports are immediately forwarded directly to the Board.

Further, Dr. Govier shall submit acceptable documentary evidence of continuing compliance with this provision which must be received in the Board's offices no later than the due date for Dr. Govier's quarterly declarations.

Psychiatric Treatment/Psychotherapy

14. Dr. Govier shall continue psychiatric treatment with Patrice Arehart, M.D., or another psychiatrist approved in advance by the Board, at least once per month, or as otherwise directed by the Board. Dr. Govier shall comply with her psychiatric treatment plan, including taking medications as prescribed and/or ordered for her psychiatric disorder.

Further, Dr. Govier shall continue to participate in individual psychotherapy with Wendy Flowers, Ph.D., or another appropriately licensed psychologist or psychiatrist approved in advance by the Board, at least twice per week, or as otherwise directed by the Board.

Dr. Govier shall ensure that reports are forwarded by both her treating psychiatrist and treating psychologist to the Board on a quarterly basis, or as otherwise directed by the Board. These reports shall contain information describing Dr. Govier's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Govier's compliance with her treatment plan; Dr. Govier's mental status; Dr. Govier's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Govier shall ensure that her treating psychiatrist and her treating psychologist immediately notify the Board of her failure to comply with her treatment plan and/or any determination that Dr. Govier is unable to practice. It is Dr. Govier's responsibility to ensure that these quarterly reports are received in the Board's offices no later than the due date for Dr. Govier's quarterly declaration.

Monitoring Physician

15. Before engaging in any medical practice, Dr. Govier 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. Govier and who is engaged in the same or similar practice specialty.

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

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Govier must immediately so notify the Board in writing. In addition, Dr. Govier 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. Govier 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

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

Aftercare/Physicians Health Program

17. Dr. Govier shall maintain continued compliance with the terms of the recovery plan/aftercare contract entered into with her treatment provider, and the Advocacy Contract with the Ohio Physicians Effectiveness Program, or, if approved in advance by the Board, another physicians health program, provided that, where terms of the recovery plan/aftercare and advocacy contracts conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Work Hour Limitation

18. Dr. Govier shall limit her work hours to no more than twenty hours of work per week and no on-call duties on weekends until otherwise approved by the Board. Dr. Govier shall keep a log reflecting the dates, times, and facilities and/or locations at which she works. Dr. Govier shall submit her work log for receipt in the Board's offices no later than the due date for Dr. Govier's quarterly declaration.

Any request by Dr. Govier for modification of the limitation on work hours as set forth in this paragraph shall be accompanied by a written report indicating that Dr. Govier's ability to practice has been assessed within the preceding 90 days, but not prior to 180 days from the effective date of this Consent Agreement. Such written report shall be from a physician affiliated with a Board approved treatment provider, or other physician approved by the Board for this purpose, who has evaluated Dr. Govier, indicating that such physician supports Dr. Govier's request for modification.

Releases

19. Dr. Govier shall provide continuing authorization, through appropriate written consent forms, for disclosure by her 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.

Required Reporting by Licensee

20. Within thirty days of the effective date of this Consent Agreement, Dr. Govier shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Govier shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments.
21. Within thirty days of the effective date of this Consent Agreement, Dr. Govier 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 she currently holds any professional license. Dr. Govier 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 she applies for any professional license or for reinstatement of any professional license. Further, Dr. Govier shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Govier 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. Govier has violated any term, condition or limitation of this Consent Agreement, Dr. Govier agrees that the violation, as alleged, also constitutes clear and convincing evidence that her 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. Govier shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Govier shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year, with the exception of the limitations included in paragraph 7 requiring that she shall not engage in the administration of intravenous operative opiates without prior approval of the Board for at least 180 days and Paragraph 18 requiring that she limit her work hours to no more than 20 hours per week and has no weekend on-call duties for at least 180 days. 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. Govier acknowledges that she 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.

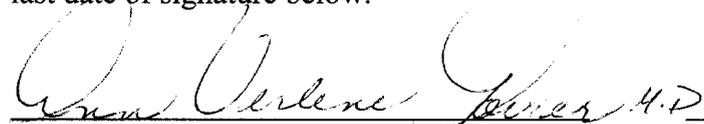
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

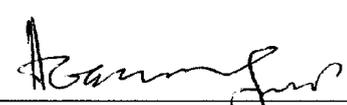
Dr. Govier hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

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. Govier agrees to provide her 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.

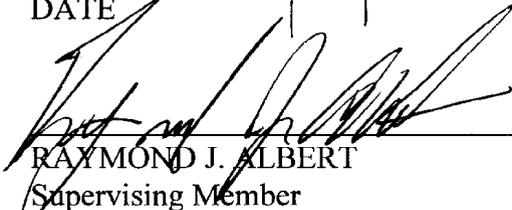

ANN VERLENE GOVIER, M.D.


ANAND G. GARG, M.D.
Secretary

1-8-03
DATE

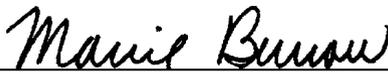

ERIC PLINKE, ESQ.
Attorney for Dr. GOVIER

01/08/03
DATE


RAYMOND J. ALBERT
Supervising Member

1/8/3
DATE

1/08/03
DATE


MARCIE BURROW, ESQ.
Enforcement Coordinator

1-13-03
DATE

**STEP I
CONSENT AGREEMENT
BETWEEN
ANN VERLENE GOVIER, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Ann Verlene Govier, M.D. [Dr. Govier] and the State Medical Board of Ohio [the Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Govier enters into this Consent Agreement being fully informed of her 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), Ohio Revised Code, "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," and/or Section 4731.22(B)(15), Ohio Revised Code, "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(15), and (B)(26) Ohio Revised Code, as set forth in Paragraphs E, F, and G 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. Govier admits that her license to practice medicine and surgery in the State of Ohio, License # 35-051156, is currently subject to the terms of a Consent Agreement into which she entered with the Board on January 17, 2002, as discussed in Paragraph E below.
- D. Dr. Govier states that she is also licensed to practice medicine and surgery in the State of Indiana, however her medical license is placed on Indefinite Probation subject to

conditions. Dr. Govier states that she is also licensed to practice medicine and surgery in the State of Washington, however her medical license is conditioned and limited.

- E. Dr. Govier states that on or about January 17, 2002, she entered into a Consent Agreement with the Board in lieu of formal proceedings based upon her violation of Sections 4731.22(B)(22) and (B)(26), Ohio Revised Code. A copy of this Consent Agreement between Ann V. Govier, M.D., and The State Medical Board of Ohio [January 2002 Consent Agreement] is attached hereto and incorporated herein.

Dr. Govier admits that in the January 2002 Consent Agreement she made certain admissions, including that she was initially treated for alcohol dependency at Rush Behavioral Health Center [Rush Center] from on or about July 26, 1999, to on or about September 15, 1999, and that she relapsed on alcohol in or about September 2000, and returned to the Rush Center for a two-week period of residential treatment; that her Indiana medical license was subject to actions, including a summary suspension, in 1999 related to impairment of her ability to practice due to alcohol dependency, and her Washington medical license was subject to an action, which was based upon the Indiana actions, in 2001; and that she commenced practice in Ohio in or about February 2001.

Dr. Govier further admits that in the January 2002 Consent Agreement she agreed that her certificate to practice medicine and surgery in Ohio would be subject, for a minimum of four years, to certain specified probationary terms, conditions, and limitations, including that she "shall abstain completely from the use of alcohol," as set forth in Paragraph 8 of that agreement.

- F. Dr. Govier further admits that she relapsed on alcohol on or about April 6, 2002. Dr. Govier further admits that she consumed alcohol once or twice a week thereafter until May 18, 2002, at which time her use escalated and she used alcohol throughout the day on May 18 and 19, 2002. Dr. Govier further admits that she reported to the Board on May 20, 2002, that she had relapsed on alcohol and that she would be seeking treatment at Brighton Hospital, a Board approved treatment provider in Brighton, Michigan, later that day. Dr. Govier further admits that while at Brighton Hospital, she received an initial diagnosis of depressive disorder, in addition to her diagnosis of alcohol dependence. Dr. Govier further admits that she transferred from Brighton Hospital to Shepherd Hill Hospital, a Board approved treatment provider in Newark, Ohio on May 29, 2002, for further treatment related to her alcohol dependence and depressive disorder diagnoses. Dr. Govier admits that she remains in residential treatment at Shepherd Hill Hospital to date.
- G. Dr. Govier further admits that her use of alcohol in or about April and May 2002, as discussed in paragraph F above, was in violation of Paragraph 8 of her January 2002

Consent Agreement, which required that she “abstain completely from the use of alcohol.”

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

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Govier 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. Govier shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to her by another so authorized by law who has full knowledge of Dr. Govier’s history of chemical dependency.
3. Dr. Govier shall abstain completely from the use of alcohol.

Releases; Quarterly Declarations and Appearances

4. Dr. Govier 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. Govier’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. Govier further agrees to provide the Board written consent permitting any treatment provider from whom she obtains treatment to notify the Board in the event she 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. Govier 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. Govier 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. Govier shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Govier 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. Govier shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Govier 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. Govier. Dr. Govier 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. Govier 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. Govier must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Govier 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. Govier's

quarterly declaration. It is Dr. Govier's responsibility to ensure that reports are timely submitted.

Rehabilitation Program

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

CONDITIONS FOR REINSTATEMENT

9. The Board shall not consider reinstatement of Dr. Govier's certificate to practice medicine and surgery until all of the following conditions are met:
 - a. Dr. Govier shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Govier shall demonstrate to the satisfaction of the Board that she can resume practice in compliance with acceptable and prevailing standards of care under the provisions of her 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. Govier 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. Three written reports indicating that Dr. Govier's ability to practice has been assessed and that she has been found capable of practicing according to acceptable and prevailing standards of care.

Two reports shall be made by individuals or providers approved by the Board for making such assessments. Prior to the assessments, Dr. Govier shall provide the evaluators with copies of patient records from any evaluations and/or treatment that she 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. Govier, and any conditions, restrictions, or limitations that should be imposed on Dr. Govier's practice. The reports shall also describe the basis for the evaluator's determinations.

One written report shall be made by a psychiatrist, approved in advance by the Board, who shall conduct a psychiatric examination of Dr. Govier. Prior to the examination, Dr. Govier shall provide the psychiatrist with copies of patient records from any evaluations and/or treatment that she has received, and a copy of this Consent Agreement. The report from the evaluating psychiatrist shall include the psychiatrist's diagnoses and conclusions; any recommendations for care, counseling, and treatment for the psychiatric diagnoses; any conditions, restrictions, or limitations that should be imposed on Dr. Govier's practice; and the basis for the psychiatrist's determinations.

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

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

REQUIRED REPORTING BY LICENSEE

11. Within thirty days of the effective date of this Consent Agreement, Dr. Govier 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 she currently holds any professional license. Dr. Govier 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 she applies for any professional license or reinstatement of any professional license. Further, Dr. Govier 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. Govier shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Govier shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she 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. Govier 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. Govier acknowledges that she 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.

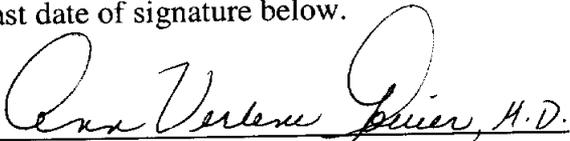
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Govier 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. Govier agrees to provide her 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.

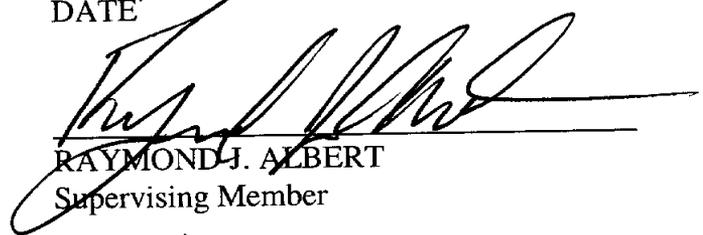

ANN VERLENE GOVIER, M.D


ANAND G. GARG, M.D
Secretary

6-5-02
DATE

6/12/02
DATE


ERIC J. PLINKE, ESQ.
Attorney for Dr. GOVIER


RAYMOND J. ALBERT
Supervising Member

6-7-02
DATE

6/12/02
DATE


REBECCA J. ALBERS, ESQ.
Assistant Attorney General

6/12/02
DATE

**CONSENT AGREEMENT
BETWEEN
ANN V. GOVIER, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Govier enters into this Consent Agreement being fully informed of her 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,” and Section 4731.22(B)(22), Ohio Revised Code, “[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.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26) and (B)(22), Ohio Revised Code, as set forth in Paragraphs E through L, 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 Consent Agreement.
- C. Dr. Govier is licensed to practice medicine and surgery in the State of Ohio, License number 35-051156.

- D. Dr. Govier states that she is also licensed to practice medicine and surgery in the State of Indiana, however her medical license is placed on Indefinite Probation subject to conditions as discussed below in Paragraph (G). Dr. Govier states that she is also licensed to practice medicine and surgery in the State of Washington, however her medical license is conditioned and limited as discussed below in Paragraph (K).
- E. Dr. Govier admits that on or about July 21, 1999, she was involved in a property damage automobile accident in Indianapolis, Indiana, and that she was subsequently arrested on charges of Operating a Vehicle While Intoxicated, Driving With Greater Than 0.10 Blood Alcohol Content, Public Intoxication and Possession of a Controlled Substance (Xanax). Dr. Govier further admits that she failed field sobriety tests administered at the scene, and registered a 0.22 Blood Alcohol Content. Dr. Govier further admits that an inventory of her purse at the scene revealed a number of Xanax tablets for which she did not have a prescription. Dr. Govier states that on or about December 2, 1999, she entered into a Plea Agreement in which she pled guilty to the charge of Driving With Greater Than 0.10 Blood Alcohol Content and all other charges were dismissed.
- F. Dr. Govier admits that she was initially treated for alcohol dependency at Rush Behavioral Health Center [Rush Center], Downers Grove, Illinois, from on or about July 26, 1999 to on or about September 15, 1999. Dr. Govier further admits that at the Rush Center, she was diagnosed as alcohol dependent. Dr. Govier further admits that she began using alcohol in or about 1989, with episodic abuse over the years, and states that the frequency of her abuse of alcohol increased in or about July 1999. Dr. Govier further admits that upon discharge from the Rush Center, she entered into a Caduceus Aftercare Agreement, and further admits that on or about September 20, 1999, entered into a Continuing Care Contract with the Indiana State Medical Association Physician Assistance Commission.
- G. Dr. Govier admits that on or about September 14, 1999 the Medical Licensing Board, State of Indiana, [Indiana Board] summarily suspended her medical license for 90 days as the Indiana Board found that an emergency existed and that she represented a clear and immediate danger to the public health and safety if allowed to continue to practice medicine in the State of Indiana. The effective date of this Order was August 26, 1999. Dr. Govier further admits that on or about December 13, 1999, the Indiana Board issued an Order of Indefinite Probation, subject to the terms and conditions contained therein. The effective date of this Order was October 28, 1999. Copies of the Orders are attached hereto and fully incorporated herein. Dr. Govier further admits that the Indiana Board's Order was based on findings that her conduct constituted a violation of Indiana Code Section 25-1-9-4(a)(4) in that she continued to practice although she was unfit to practice due to the addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing her ability to practice safely. Dr. Govier further admits that the Order provides that after

five years of medical practice, she may petition the Indiana Board for termination of the probation.

- H. Dr. Govier further admits that she relapsed on alcohol in or about September 2000, using alcohol on approximately four occasions. Dr. Govier further admits that she had a positive urine screen for ethanol and was confronted by the Physician Assistance Commission. Dr. Govier further admits that she returned to the Rush Center for a re-assessment and entered residential treatment for a two-week period on or about September 27, 2000 and was discharged on or about October 10, 2000. Dr. Govier states that she reported the relapse to the Indiana Board.
- I. Dr. Govier further admits that the Rush Center recommended upon her discharge that she refrain from the practice of medicine for approximately 90 days in order to arrange and begin her program obligations. From on or about October 2000, to on or about February 2001, pursuant to the recommendation of the Rush Center, she further admits that she did not provide patient care although she did perform administrative functions in her employment.
- J. Dr. Govier further admits that she entered into an Advocacy Contract with the Ohio Physicians Effectiveness Program, Inc. on or about February 7, 2001, and further admits that such contract remains in effect to date. Dr. Govier further admits that she commenced practice in Ohio in or about February 2001.
- K. Dr. Govier further admits that on or about March 8, 2001, the State of Washington, Department of Health, Medical Quality Assurance Commission, adopted and implemented an Agreed Order, conditioning and limiting her license based upon the actions of the Indiana Board, as stated above. A copy of the Agreed Order is attached hereto and fully incorporated herein.
- L. With the exception of her relapse on or about September 2000, Dr. Govier states that she has complied with the terms of her Continuing Care Contract with the Indiana State Medical Association Physician Assistance Commission; the October 28, 1999, Indiana Order of Indefinite Probation; and the Rush Center Caduceus Aftercare Agreement. Dr. Govier states that she has complied with the terms of her the Advocacy Contract with the Ohio Physicians Effectiveness Program, Inc. and the March 8, 2001 Washington Agreed Order.

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

1. Dr. Govier shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Govier 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. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Govier 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.
4. In the event that Dr. Govier should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Govier 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 this 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 Dr. Govier 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. Govier shall keep a log of all controlled substances administered or personally furnished. Such log shall be submitted, in the format approved by the Board, thirty days prior to Dr. Govier's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Govier shall make her patient records with regard to such administering and personally furnishing available for review by an agent of the Board upon request.

If Dr. Govier administers any controlled substances, she shall have the disposal of any waste controlled substances witnessed and reflected in the log referred to above or

shall provide documentation acceptable to the Board of the transfer to another of any unused controlled substances in the log referred to above.

Sobriety

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

Drug and Alcohol Screens/Supervising Physician

9. Dr. Govier shall submit to random urine screenings for drugs and alcohol one time each week during the first 26 weeks following the effective date of this Consent Agreement, and two times each month thereafter, or as otherwise directed by the Board. Dr. Govier 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 30 days of the effective date of this Consent Agreement, Dr. Govier shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Dr. Govier 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. Govier. Dr. Govier 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. Govier 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. Govier must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Govier 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. Govier's quarterly declaration. It is Dr. Govier's responsibility to ensure that reports are timely submitted.

10. The Board retains the right to require, and Dr. Govier agrees to submit, blood or urine specimens for analysis at Dr. Govier's expense upon the Board's request and without prior notice. Dr. Govier'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

11. Within thirty days of the effective date of this Consent Agreement, Dr. Govier shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board and, unless that physician has previously been approved to serve as a monitoring physician, for prior approval by the Board via an expedited poll vote. 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. Govier and who is engaged in the same or similar practice specialty.

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

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Govier must immediately so notify the Board in writing. In addition, Dr. Govier shall make arrangements acceptable to the Board for another monitoring physician within sixty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Govier 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

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

Indiana Order of Indefinite Probation

13. Dr. Govier shall maintain continued compliance with the terms of her October 28, 1999, Order of Indefinite Probation with the Indiana Medical Licensing Board, provided that where terms of the Indiana Order conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control;

Washington Agreed Order

14. Dr. Govier shall maintain continued compliance with the terms of her March 8, 2001, Agreed Order with the State of Washington, Department of Health, Medical Quality Assurance Commission, provided that where the terms of the Washington Order conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control;

Impaired Physician's Health Program

15. Dr. Govier shall maintain continued compliance with the terms of the Continuing Care Contract with the Indiana State Medical Association Physician Assistance Commission and the Advocacy Contract with the Ohio Physicians Effectiveness Program, Inc., or, if approved in advance by the Board, another physicians health program, provided that, where terms of the continuing care and advocacy contracts conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Releases

16. Dr. Govier shall provide continuing authorization, through appropriate written consent forms, for disclosure by her 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.

Required Reporting by Licensee

17. Within thirty days of the effective date of this Consent Agreement, Dr. Govier shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Govier shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments.
18. Within thirty days of the effective date of this Consent Agreement, Dr. Govier 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 she currently holds any professional license. Dr. Govier 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 she applies for any professional license or for reinstatement of any professional license. Further, Dr. Govier shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Govier 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. Govier has violated any term, condition or limitation of this Consent Agreement, Dr. Govier agrees that the violation, as alleged, also constitutes clear and convincing evidence that her 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. Govier shall not request termination of this Consent Agreement for a minimum of four years. In addition, Dr. Govier 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. Govier acknowledges that she 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. Govier hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

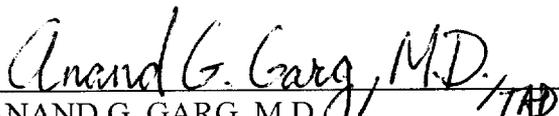
This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Govier agrees to provide her social security number to the Board and hereby authorizes the Board 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.


ANN V. GOVIER, M.D.

1-10-02
DATE


ANAND G. GARG, M.D. /TAD
Secretary

1/15/02
DATE


ERIC J. PLINKE, ESQ.
Attorney for Dr. Govier

1/11/02
DATE


RAYMOND J. ALBERT /TAD
Supervising Member

1/15/02
DATE


REBECCA J. ALBERS, ESQ.

Assistant Attorney General

1/17/02
DATE

|

BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NO.: 99 MLB 021

STATE OF INDIANA,)
)
 Petitioner,)
)
 v.)
)
 ANN VERLENE GOVIER, M.D.,)
 License Number: 01041278,)
)
 Respondent.)

FILED

DEC 13 1999

HEALTH PROFESSIONS
BUREAU

FINDINGS OF FACT AND ORDER

The Medical Licensing Board of Indiana ("Board") held an administrative hearing on October 28, in Rooms 4 and 5 of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning a disciplinary complaint filed by the State against the Indiana medical license of Ann Verlene Govier, M.D. ("Respondent").

The State of Indiana was represented by Deputy Attorney General William T. Niemier. Respondent appeared in person and by counsel, Sally Franklin Zweig, Indianapolis, Indiana.

The Board, after considering the evidence and taking official notice of its file in this case, by a vote of 6-0-0, issues the following Findings of Fact and Order:

FINDINGS OF FACT

1. Respondent, whose address is 4671 Running Brook Terrace, Greenwood, Indiana, 46143, is a duly licensed physician in the State of Indiana having been issued license number 01041278.
2. A Petition for Summary Suspension and Complaint were filed by Petitioner against Respondent on August 25, 1999.

3. On August 23, 1999, William T. Niemier, Deputy Attorney General, contacted Respondent's counsel and informed her of the Summary Suspension hearing scheduled for August 26, 1999. Pursuant to Indiana Code § 4-21.5-3-20, Respondent was provided adequate notice of said hearing and appeared by counsel. Respondent's medical license was summarily suspended by an Order effective August 26, 1999.

4. On July 21, 1999, Respondent was involved in a property damage automobile accident in Marion County, Indiana. Respondent was arrested on charges of Operating a Vehicle While Intoxicated, a Class A Misdemeanor; Driving With Greater Than .10 Blood Alcohol Content, a Class C Misdemeanor; Public Intoxication, a Class B Misdemeanor; and Possession of a Controlled Substance (Xanax), a Class D Felony. Said charges are pending against Respondent in the Marion County Superior Court, Criminal Division No. 14, under cause Number 49G14-9908-DF-127617, captioned State of Indiana v. Ann Verlene Govier.

5. Deputy David Bromm with the Marion County Sherriff's Department was dispatched to the 5700 block of West Washington Street at approximately 4:48 p.m. on July 21, 1999, on a report of an automobile accident with disturbance. Respondent was involved in an automobile accident while attempting to make a U-turn in a double yellow lined section of Washington Street in Indianapolis, Indiana. Respondent was verbally abusive, uncooperative and confused. Deputy Bromm smelled the odor of an alcoholic beverage on Respondent's breath. He observed that Respondent had red, bloodshot eyes, was unsteady on her feet, kept raising her voice, and used profanity even after he told her to stop cursing. Deputy Bromm described Respondent's demeanor as "frantic" and stated at one point that Respondent walked away from the scene of the accident. Deputy Bromm asked Respondent if she had been drinking and she replied that she had and, upon request, Respondent agreed to field sobriety tests.

6. Respondent failed all field sobriety tests, which were administered at the scene of the accident. A portable breath test showed positive for the presence of alcohol and Respondent voluntarily submitted to a breathalyzer test. Two Breathalyzer tests were administered. The first, upon a weak breath sample registered .22 Blood Alcohol Content. A second test registered higher , but the higher test result was not recorded in the criminal proceedings.

7. Respondent was arrested and an inventory search of her purse revealed that she had 22 1/2 Xanax tablets and 1 blue and white capsule, in an unmarked bottle. Respondent failed to present a prescription for the substances found in her purse.

8. Respondent has since completed a course of treatment with Rush Behavioral Health Center with a recommendation that she return to the practice of medicine. Respondent has also entered into a treatment contract with the Indiana State Medical Association including follow-up monitoring.

ULTIMATE FINDINGS OF FACT

1. The conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(4) in that Respondent has continued to practice although she has become unfit to practice due to the addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing her ability to practice safely.

2. The above violations warrant the imposition of disciplinary sanctions against Respondent's Indiana medical license.

ORDER

Based upon the above Findings of Fact, the Board issues the following Order:

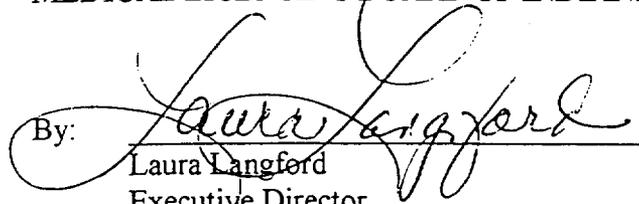
1. Respondent's Indiana medical license is placed on **INDEFINITE PROBATION** subject to the following conditions. These conditions shall apply for the duration of probation, unless specifically amended by the Board after conducting an evidentiary hearing. After five (5) years of medical practice Respondent may petition for termination of probation.
2. For the duration of the period of probation, Respondent's practice of medicine shall be governed by the following **TERMS AND CONDITIONS:**
 - a) Respondent shall keep the Board informed of her residential address and telephone number at all times.
 - b) Respondent shall keep the Board informed of her employer's name, address and telephone number at all times.
 - c) Respondent shall provide a copy of these Findings of Fact and Order to each current or subsequent medical employer, who shall sign and return a copy thereof to the Board within seven (7) days of employment or receipt of this order.
 - d) Respondent shall be responsible for causing each current or subsequent medical employer to submit quarterly supervisor reports to the Board addressing *attendance, competency, and number of hours worked*.
 - e) Respondent shall submit to random, observed urine drug/alcohol screens at least one time per week for the first year of probation and then monthly thereafter. Respondent shall have an affirmative duty to report any positive urine screen(s) directly to the Board.
 - f) Respondent shall have an affirmative duty to report any relapse into the unauthorized use of drugs and/or alcohol to the Health Professions Bureau within seventy-two (72) hours of such relapse.
 - g) Respondent shall provide the Board with a copy of any and all authorized prescriptions, within thirty (30) days of receiving such prescription(s).
 - h) Respondent shall not work more than One Hundred (100) hours of scheduled operating room time during any two-week period during the first year of probation. This provision may be modified after one year of medical practice.

- i) Respondent shall maintain and comply with all provisions and recommendations of her Rush Behavioral Health Center Aftercare contract.
- j) Respondent shall maintain and comply with all provisions and recommendations of her Indiana State Medical Association treatment contract.
- k) Respondent shall make personal appearances before the Board at least one time every three months during the duration of her probation.
- l) Respondent shall continue her marriage and/or individual counseling at least one time every two weeks, until the therapist or counselor reports to the Board in writing that the frequency of said counseling may be decreased or terminated.
- m) Respondent shall perform One Hundred (100) hours of community service per year for the duration of her probation.

3. The failure of Respondent to comply with the terms of this Order may subject her to a show cause hearing and the imposition of further sanctions.

SO ORDERED this 13th day of Dec., 1999. This Order shall be effective as of October 28, 1999.

MEDICAL LICENSING BOARD OF INDIANA

By: 
Laura Langford
Executive Director
Health Professions Bureau

copies to:

Sally Zweig
Johnson Smith Pence Densborn Wright & Heath
One Indiana Square, Suite 1800
Indianapolis, IN 46204

Ann Verlene Govier, M.D.
4671 Running Brook Terrace
Greenwood, Indiana, 46143

SENT CERTIFIED MAIL NO. 2310 124 340
RETURN RECEIPT REQUESTED.

William T. Niemier
Deputy Attorney General
Office of the Indiana Attorney General
Indiana Government Center South, 5th Floor
402 W. Washington St.
Indianapolis, IN 46204
WTN:226597

BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NO.: 99 MLB 021

STATE OF INDIANA,)
)
Petitioner,)
)
v.)
)
ANN VERLENE GOVIER, M.D.,)
License Number: 01041278,)
)
Respondent.)

FILED
SEP 14 1999
HEALTH PROFESSIONS
BUREAU

SUMMARY SUSPENSION ORDER

The Medical Licensing Board of Indiana ("Board") pursuant to the authority of Indiana Code § 4-21.5-4-1 *et seq.* and Indiana Code § 25-19-10, held an emergency hearing at its regularly scheduled meeting on August 26, 1999. The State of Indiana was represented by William T. Niemier, Deputy Attorney General. Ann Verlene Govier, M.D., ("Respondent") appeared, by counsel, Sally Zweig.

The Board, by a vote of 4-1-1, **SUMMARILY SUSPENDS** the medical license held by Ann Verlene Govier, M.D., for 90 days as the Board finds that an emergency exists and that Respondent represents a clear and immediate danger to the public health and safety if allowed to continue to practice medicine in the State of Indiana.

This **NON-FINAL** emergency order is based upon the Board's file and the testimony of Deputy David Bromm, Marion County Sheriff's Department. Deputy Bromm testified that he encountered Respondent at approximately 4:50 p.m. on July 21, 1999, when he responded to a report of an automobile accident with disturbance. Respondent caused an automobile accident while attempting to make a u-turn in a double yellow lined section of Washington Street in Indianapolis, Indiana.

Respondent informed Deputy Bromm that she was “a f#!@ing doctor for sixteen years.” Deputy Bromm asked Respondent three times for her vehicle registration and she stated that she did not know what it looked like. Respondent handed Deputy Bromm a folder containing the owner’s manual for her car and Respondent told Deputy Bromm to look for her registration in the folder.

Deputy Bromm smelled the odor of an alcoholic beverage on Respondent’s breath. He observed that Respondent had red, bloodshot eyes, was unsteady on her feet, kept raising her voice, used profanity even after Deputy Bromm told her six times to stop cursing. Deputy Bromm described Respondent’s demeanor as “frantic” and stated at one point Respondent walked away from the scene of the accident. Deputy Bromm asked Respondent if she had been drinking and she replied that she drank a bloody mary at 8:30 in the morning.

Respondent failed all field sobriety tests, which were administered at the scene of the accident. A portable breath test showed positive for the presence of alcohol and Respondent submitted to a breathalyzer test. Respondent provided a weak breath sample which tested .22 Blood Alcohol Content. A second breathalyzer test revealed a .33 Blood Alcohol Content. Thereafter, Respondent was arrested and an inventory search of her purse revealed that she had 22 1/2 Xanax tablets and 1 blue and white capsule, in an unmarked bottle. Respondent failed to present a prescription for the substances found in her purse.

Respondent was arrested for Operating a Vehicle While Intoxicated, a Class A Misdemeanor; Driving With > .10 BAC, a Class C Misdemeanor; Public Intoxication, Class B Misdemeanor and Possession of a Controlled Substance, Class D Felony.

WHEREFORE, RESPONDENT IS ORDERED to immediately cease all acts constituting the practice of medicine for a period of 90 days from the date of this Order.

Respondent shall immediately surrender all indicia of licensure, including her pocket license and wall license, to the Board in care of the Health Professions Bureau, 402 West Washington Street, Room 041, Indianapolis, Indiana, 46204.

Pursuant to Indiana Code § 4-21.5-4-4, and upon request by the Respondent, the Board shall, as quickly as practicable, set this matter for an evidentiary hearing and an administrative law judge shall determine whether this Order shall be voided, terminated, modified, stayed or continued.

SO ORDERED, this 14th day of Sept., 1999. This Order is effective as of August 26, 1999.

MEDICAL LICENSING BOARD OF INDIANA

By: 
Laura Langford
Executive Director
Health Professions Bureau

copies to:

Ann Verlene Govier, M.D.
1201 Hadley Road
Mooresville, IN 46158

SENT CERTIFIED MAIL NO. 2404 177 016
RETURN RECEIPT REQUESTED.

Sally Zweig
Johnson Smith Pence Densborn Wright & Heath
One Indiana Square, Suite 1800
Indianapolis, IN 46204

William T. Niemier
Deputy Attorney General
Office of the Indiana Attorney General
Indiana Government Center South, 5th Floor
402 W. Washington St.
Indianapolis, IN 46204

BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NO.: 99 MLB 021

STATE OF INDIANA,)
)
Petitioner,)
)
v.)
)
ANN VERLENE GOVIER, M.D.,)
License Number: 01041278,)
)
Respondent.)

FILED

AUG 25 1999

HEALTH PROFESSIONS
BUREAU

COMPLAINT

The State of Indiana ("Petitioner"), by counsel, Jeffrey A. Modisett, Attorney General of Indiana by Deputy Attorney General William T. Niemier, pursuant to Indiana Code § 25-1-7-7(a) files its Complaint against Ann Verlene Govier, M.D., ("Respondent"), and in support thereof alleges and states:

1. The Attorney General of Indiana is empowered to bring disciplinary complaints in the name of the State of Indiana before the Medical Licensing Board of Indiana ("Board") pursuant to Indiana Code § 25-1-7 et. seq.
2. The Board is charged with the duty and the responsibility of regulating the practice of medicine pursuant to Indiana Code § 25-22.5-1 et. seq.
3. The Board is empowered to hold disciplinary hearings pursuant to Indiana Code § 25-1-9-4 and Indiana Code § 4-21.5-3 et seq.
4. The Office of Attorney General, Division of Consumer Protection, received a written and signed consumer complaint on this matter on August 5, 1999. The Division of Consumer Protection conducted a preliminary investigation as to the merits of the

Exhibit "A"

complaint, pursuant to Indiana Code § 25-1-7-5(1), and submitted this matter to the Board on August 11, 1999. The Board referred this matter back to the Division of Consumer Protection to permit investigation and prosecution on August 13, 1999. A report was made to the Attorney General by the Director of the Division of Consumer Protection recommending that charges be brought against the Respondent's license on August 23, 1999, pursuant to Indiana Code § 25-1-7-7.

COUNT I

1. Respondent resides at 1201 Hadley Road, Mooresville, Indiana, 46158, and she is a duly licensed physician holding Indiana license number 01041278.

2. On July 21, 1999, Respondent was involved in an automobile accident while attempting to make a u-turn in a double yellow lined section of Washington Street in Indianapolis, Indiana.

3. Deputy Bromm with the Marion County Sherriff's Department responded to a report of an automobile accident with disturbance. Upon arrival at the scene of the accident, Deputy Bromm encountered Respondent and asked for her registration.

4. Respondent informed Deputy Bromm that her husband was an attorney and expert on Indiana, Illinois, and California law. Respondent informed Deputy Bromm that she was "a fucking doctor for sixteen years."

5. Deputy Bromm asked Respondent three times for her vehicle registration and she stated that she did not know what it looked like. Deputy Bromm showed Respondent the other driver's registration and Respondent handed Deputy Bromm a folder containing

the owners manual for her car and Respondent told Deputy Bromm to look for her registration in the folder.

6. Deputy Bromm smelled the odor of an alcoholic beverage on Respondent's breath. He observed that Respondent had red, bloodshot eyes, was unsteady on her feet, kept raising her voice, used profanity even after Deputy Bromm told her six times to stop cursing.

7. Deputy Bromm asked Respondent if she had been drinking and she replied that she drank a bloody mary at 8:30 in the morning.

8. Respondent failed all field sobriety tests which were administered at the scene of the accident. A portable breath test showed positive for the presence of alcohol and Respondent submitted to a breathalyzer test.

9. Respondent provided a weak breath sample which tested .22 Blood Alcohol Content. A second breathalyzer test revealed a .33 Blood Alcohol Content.

10. Thereafter, Respondent was arrested and an inventory search of her purse revealed that Respondent had 22 1/2 Xanax tablets and 1 blue and white capsule, in an unmarked bottle. Respondent failed to present a prescription for the substances found in her purse.

11. Respondent was arrested for Operating a Vehicle While Intoxicated, a Class A Misdemeanor; Driving With > .10 BAC, a Class C Misdemeanor; Public Intoxication, Class B Misdemeanor and Possession of a Controlled Substance, Class D Felony.

12. The conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(4) in that Respondent has continued to practice although she has become unfit to

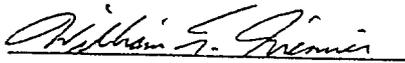
practice due to the addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing her ability to practice safely; and Indiana Code § 25-1-9-4(a)(8) in that Respondent has diverted a legend drug or any other drug or device issued under a drug order for another person.

WHEREFORE, Petitioner demands an order against the Respondent, that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all the cost incurred in the prosecution of this case;
3. Provides any other relief the Board deems just and proper.

Respectfully submitted,

JEFFREY A. MODISETT
Attorney General of Indiana

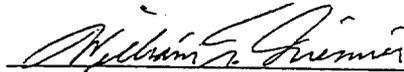
By: 
William T. Niemier
Deputy Attorney General
Attorney Number: 15518-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Complaint" has been duly served upon the Respondent listed below, by United States mail, first class postage prepaid, this 25th day of August, 1999 and upon Respondent's counsel, listed below, by fax transmission to 636-9061 and by United States mail, first class postage prepaid, this 25th day of August, 1999:

Ann Verlene Govier, M.D.
1201 Hadley Road
Mooresville, IN 46158

Sally Zweig and Linda Pence
Johnson Smith Pence Densborn Wright & Heath
One Indiana Square, Suite 1800
Indianapolis, IN 46204



William T. Niemier
Deputy Attorney General

William T. Niemier
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South
402 West Washington Street, Fifth Floor
Indianapolis, IN 46204-2770
(317) 232-6224

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

STATE BOARD
AUG 20 2001

In the Matter of the License to Practice)
as a Physician and Surgeon of:)
ANN V. GOVIER, MD,)
License No. MD18662)
Respondent.)

Docket No. 00-09-A-1028MD
STATEMENT OF CHARGES

The Program Manager, on designation by the Medical Quality Assurance Commission (Commission), makes the allegations below, which are supported by evidence contained in Program Case File No. 00-05-0025MD.

SECTION 1: ALLEGED FACTS

1.1 Ann V. Govier, MD, Respondent, was issued a license to practice as a physician and surgeon by the state of Washington on September 22, 1980.

1.2 On or about December 13, 1999 the Medical Licensing Board, State of Indiana, issued an Order of Indefinite Probation ("Order") on Respondent, subject to the terms and conditions contained therein. The effective date of this Order was October 28, 1999.

1.3 On or about July 21, 1999 Respondent was involved in a property damage automobile accident in Marion County, Indiana and subsequently arrested on charges of Operating a Vehicle While Intoxicated, Driving With Greater Than .10 Blood Alcohol Content, Public Intoxication and Possession of a Controlled Substance (Xanax). Respondent failed field sobriety tests administered at the scene, with one sample registered at .22 Blood Alcohol Content. An inventory of Respondent's purse, at the scene, revealed a number of Xanax tablets for which Respondent did not have a prescription.

1.4

I certify this is a true copy of record on file in the Department of Health, State of Washington
15 day of Aug, 2001
[Signature]
Signature, Authorized Representative

////

AUG 20 2001

SECTION 2: ALLEGED VIOLATIONS

2.1 The violations alleged in paragraphs 1.2 through 1.4 above constitute grounds for disciplinary action pursuant to RCW 18.130.180(5) which define unprofessional conduct as:

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state...

2.2 The violations alleged in paragraphs 1.2 through 1.4 above constitute grounds for the imposition of sanctions under RCW 18.130.160.

SECTION 3: NOTICE TO RESPONDENT

It is further alleged that the charges in this document affect the public health, safety and welfare. The Program Manager of the Commission directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline pursuant to RCW 18.130.180, and the imposition of sanctions under RCW 18.130.160.

DATED this 20th day of October, 2000.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

By: Maryella E. Jansen
Maryella E. Jansen
Program Manager

Presented by:

Sharon Sullivan Eckholm
Sharon Sullivan Eckholm, WSBA # 20866
Assistant Attorney General

I certify this is a true copy of record on file in the Department of Health, State of Washington

15 day of Aug 2001
Signature, Authorized Representative

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS: 2000-05-0025MD

AUG 20 2001

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

In the Matter of the License to Practice)
As a Physician and Surgeon of:)
)
ANN V. GOVIER, MD)
License No. MD00018662)
)
Respondent.)
_____)

Docket No. 00-09-A-1028MD

STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
AGREED ORDER OF PROBATION

The Medical Quality Assurance Commission (Commission), by and through Gerald D. Kelly, Lead Staff Attorney, Department of Health, and Ann V. Govier, MD, Respondent, (00-05-0025MD) individually and by and through her counsel of record, if any, stipulate and agree to the following:

Section 1: PROCEDURAL STIPULATIONS

1.1 Ann V. Govier, MD, Respondent, was issued a license to practice as a physician and surgeon by the state of Washington on September 22, 1980.

1.2 On October 20, 2000, the Commission issued a Statement of Charges against Respondent.

1.3 The Statement of Charges alleges that Respondent violated RCW 18.130.180(5).

1.4 Respondent understands that the State is prepared to proceed to a hearing on the allegations in the Statement of Charges.

1.5 Respondent understands that she has the right to defend herself against the allegations in the Statement of Charges by presenting evidence at a hearing.

1.6 Respondent understands that, should the State prove at a hearing the allegations in the Statement of Charges, the Commission has the power and authority to impose sanctions pursuant to RCW 18.130.180.

I certify this is a true copy of
record on file in the Department of
Health, State of Washington

15 day of Aug 2001
[Signature]
Signature, Authorized Representative

ORIGINAL

AUG 20 2001

1.7 Respondent and the Commission agree to expedite the resolution of this matter by means of this Stipulated Findings of Fact, Conclusions of Law and Agreed Order (Agreed Order).

1.8 Respondent waives the opportunity for a hearing on the Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Commission.

1.9 This Agreed Order is not binding unless and until it is signed and accepted by the Commission.

1.10 Should this Agreed Order be signed and accepted, it will be subject to the reporting requirements of RCW 18.130.110 and any applicable interstate/national reporting requirements.

1.11 Should this Agreed Order be rejected, Respondent waives any objection to the participation at hearing of all or some of the Commission members who heard the Agreed Order presentation.

Section 2: STIPULATED FACTS

The State and Respondent stipulate to the following facts, and acknowledge that the evidence is sufficient to support the following facts:

2.1 On or about December 13, 1999 the Medical Licensing Board, state of Indiana, issued an Order of Indefinite Probation on Respondent, subject to the terms and conditions contained therein. The effective date of this Order was October 28, 1999.

2.2 On or about July 21, 1999, Respondent was involved in a property damage automobile accident in Marion County, Indiana, and subsequently arrested on charges of Operating a Vehicle While Intoxicated, Driving With Greater Than .10 Blood Alcohol Content, Public Intoxication and Possession of a Controlled Substance (Xanax). Respondent failed field sobriety tests administered at the scene, with one sample registered at .22 Blood Alcohol Content. An inventory of Respondent's purse, at the scene, revealed a number of Xanax tablets for which Respondent did not have a prescription.

2.3

I certify this is a true copy of
record on file in the Department of
Health, State of Washington

15 day of Aug 2001
[Signature]
Signature, Authorized Representative

AUG 20 2001

Section 3: CONCLUSIONS OF LAW

The State and Respondent agree to the entry of the following Conclusions of Law:

3.1 The Commission has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 The above facts, stipulated to in paragraphs 2.1 through 2.3 above, constitute unprofessional conduct in violation of RCW 18.130.180(5) which defines unprofessional conduct as:

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by a competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction.

3.3 The above violation is grounds for the imposition of sanctions under RCW 18.130.160.

Section 4: AGREED ORDER

Based on the preceding Stipulated Findings of Fact and Conclusions of Law, Respondent agrees to entry of the following Order:

4.1 It is hereby ordered that Respondent's license to practice medicine in the state of Washington is placed on probation for a minimum period of four (4) years. During the period of probation Respondent must comply with the terms and conditions in the following paragraphs.

4.2 Respondent shall comply with all of the terms and conditions of the Medical Licensing Board of Indiana's Order dated December 13, 1999. Should Respondent fail to fully comply with all of the terms and conditions of the Indiana Order, the probation status of Respondent's Washington medical license shall be voided and the license shall be suspended.

4.3 If Respondent wishes to relocate and practice medicine in the state of Washington at anytime in the future, Respondent shall petition the Commission in writing and Respondent shall appear personally before the Commission for purposes of fully advising the Commission of the status of Respondent's Indiana licensure and the nature of her past practice in Indiana, as well as the details of Respondent's intended practice in the state of Washington, upon notice duly given.

I certify this is a true copy of record on file in the Department of Health, State of Washington.

15 day of Aug 2001
[Signature]
Signature, Authorized Representative

AUG 20 2001

4.4 The Commission has sole discretion to hear Respondent's request to practice medicine in the state of Washington and to establish any requirements, terms and/or conditions, which it feels may be necessary or appropriate, including, but not limited to, evaluation by, and, if appropriate, contracting with, the Washington Physician Health Program, or its successor.

4.5 Respondent will not be subject to compliance reviews of Respondent's practice during the period of probation, nor will Respondent be required to appear before the Commission for compliance reviews during the period of probation.

4.6 The Commission may change the conditions of probation and/or may impose additional conditions at any time during the period of the probation as necessary to protect the public.

4.7 Respondent shall assume all costs of complying with all provisions of this Agreed Order.

4.8 The Commission's oversight and monitoring of Respondent shall continue until Respondent files a written petition for termination of the Commission's oversight and monitoring. If the Commission so requests, Respondent must appear personally before the Commission. Termination of the Commission's oversight and monitoring shall be by written order of the Commission. Respondent may petition the Commission for a release, modification or change of some of the provisions of this Agreed Order, and/or the oversight of the Commission, no sooner than four (4) years from the effective date of this Agreed Order or, upon the termination of Respondent's probation by the Indiana Medical Licensing Board and reinstatement of Respondent's unrestricted license to practice medicine in the state of Indiana, whichever occurs first.

4.9 Pursuant to RCW 181.130.160(8), Respondent shall pay the cost of processing this matter in the amount of One Thousand Dollars (\$1,000.00), payable in full within three (3) months of the effective date of this Agreed Order, to the Commission. These costs shall be payable to the State Treasury and sent to the following address:

Accounting Department
 Department of Health
 PO Box 1099
 Olympia, WA 98507-1099

I certify this is a true copy of
 record on file in the Department of
 Health, State of Washington

15 day of Aug 2001
 [Signature]
 Signature, Authorized Representative

AUG 20 2001

4.10 This Agreed Order will be subject to the reporting requirements of RCW 18.130.110 and any applicable interstate/national reporting requirements.

4.11 If Respondent violates any provision of this Agreed Order in any respect, the Commission may take further action against Respondent's medical license.

4.12 Respondent shall inform the Commission, and the Adjudicative Clerk Office in writing, of changes in her residential and business addresses.

4.13 This Stipulation and Agreed Order is not binding on Respondent or the Commission unless accepted by the Commission.

4.14 This Stipulation and Agreed Order shall become effective ten (10) days from the date the Order is signed by the Commission Chair, or upon service of the Order on the Respondent, whichever date is sooner.

I, Ann V. Govier, MD, Respondent, certify that I have read this Stipulated Findings of Fact, Conclusions of Law and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Commission without my appearance. If the Commission accepts the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, I understand that I will receive a signed copy.

Ann V. Govier M.D.
ANN V. GOVIER, MD

1-20-01
Date

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I certify this is a true copy of record on file in the Department of Health, State of Washington

15 day of Aug, 2001
Deanna M. [Signature]
Signature, Authorized Representative

AUG 20 2001

Section 5: ORDER

The Commission accepts and enters this Stipulated Findings of Fact, Conclusions of Law and Agreed Order.

DATED this 8th day of March, 2001.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

By: *[Signature]*
PANEL CHAIR

Presented By:

[Signature]
Gerald D. Kelly, WSBA# 5127
Lead Staff Attorney, Department of Health

I certify this is a true copy of
record on file in the Department of
Health, State of Washington

15 day of Aug 2001
[Signature]
Signature, Authorized Representative

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Program No. 00-05-0025MD