

STATE MEDICAL BOARD
OF OHIO

2005 JUL -8 A 10: 24

**STEP II
CONSENT AGREEMENT
BETWEEN
KENT ROBINSON, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO**

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

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

BASIS FOR ACTION

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

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation of Section 4731.22(B)(26), "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 for violation of Section 4731.22(B)(10), "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed."
- B. The Board, on December 8, 2004, entered into a Step I Consent Agreement with Dr. Robinson. A copy of the December 2004 Step I Consent Agreement between Dr. Robinson and the Board is attached hereto and fully incorporated herein. The Board enters into this Step II Consent Agreement in lieu of formal proceedings based upon the violations of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraph E of the December 2004 Step I Consent Agreement, and Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.22, Ohio Revised Code, Deception to Obtain a Dangerous Drug, to wit: Viagra, as set forth in Paragraph F of the December 2004 Step I Consent Agreement, 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.

**STEP II CONSENT AGREEMENT
KENT ROBINSON, M.D.
PAGE 2**

- C. Dr. Robinson is applying for the reinstatement of his license to practice medicine and surgery in the State of Ohio, License # 35-051764, which is currently suspended pursuant to the terms of the above-referenced December 2004 Step I Consent Agreement.
- D. Dr. Robinson states that he is not licensed to practice medicine and surgery in any other state.
- E. In Dr. Robinson's December 2004 Step I Consent Agreement, he admitted that, on or about September 9, 2004, he was indicted, in Hamilton County, Ohio, for four counts of Deception to Obtain a Dangerous Drug, to wit: Viagra, in violation of Section 2925.22, Ohio Revised Code. Dr. Robinson admits that, on or about April 18, 2005, in the Court of Common Pleas, Hamilton County, he entered pleas of guilty to the above-described indictment and was found to be eligible for intervention in lieu of conviction. Dr. Robinson further admits that he has been ordered to serve a period of three years of rehabilitation.
- F. Dr. Robinson admits that he entered residential treatment for chemical dependence on December 2, 2004, at The Woods at Parkside [Parkside], a Board-approved treatment provider in Columbus, Ohio. Dr. Robinson further admits that, while in treatment at Parkside, he was diagnosed with cocaine dependency, history of marijuana dependency and alcohol abuse. Dr. Robinson states, and the Board acknowledges receipt of information to support, that he successfully completed inpatient treatment at Parkside and was discharged on January 6, 2005.
- G. Dr. Robinson admits that, after completing inpatient treatment, he entered into an aftercare contract, entitled "Continuing Care Contract," with Parkside on March 30, 2005, and that said aftercare contract remains in effect to date. Dr. Robinson further states, and the Board acknowledges receipt of information to support, that he has remained compliant with the terms of said aftercare contract.
- H. Dr. Robinson states, and the Board acknowledges, that Edna Jones, M.D., of Parkside, has provided a written report indicating that Dr. Robinson's ability to practice has been assessed and that he has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place. Dr. Jones recommended that Dr. Robinson recommence practice on a part time basis, beginning at approximately 30 hours per week and gradually increasing to full time practice.
- I. Dr. Robinson states, and the Board acknowledges, that Raymond H. Hellmann, III, M.D., of Bethesda Drug and Alcohol Unit, a Board-approved treatment provider in Cincinnati, Ohio, has provided a written report indicating that Dr. Robinson's ability

**STEP II CONSENT AGREEMENT
KENT ROBINSON, M.D.
PAGE 3**

to practice has been assessed and that he has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place.

- J. Dr. Robinson states, and the Board acknowledges receipt of information to support, that Dr. Robinson entered into an advocacy agreement with the Ohio Physicians Health Program on or about February 9, 2005, which remains in effect to date. Dr. Robinson further states, and the Board acknowledges receipt of information to support, that he has remained compliant with the terms of said advocacy agreement.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, the certificate of Dr. Robinson to practice medicine and surgery in the State of Ohio shall be reinstated, and Dr. Robinson knowingly and voluntarily agrees with the Board to the following **PROBATIONARY** terms, conditions and limitations:

1. Dr. Robinson shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio, and all terms of probation and/or rehabilitation imposed by the Hamilton County Court of Common Pleas, in criminal case number B 0408383.
2. Dr. Robinson shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the date his quarterly declaration would have been due pursuant to his December 2004 Step I Consent Agreement with the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Robinson shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place on the date his appearance would have been scheduled pursuant to his December 2004 Step I Consent Agreement with the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. Dr. Robinson shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than

STEP II CONSENT AGREEMENT
KENT ROBINSON, M.D.
PAGE 4

three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.

5. In the event Dr. Robinson 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. Robinson shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, thirty days prior to Dr. Robinson's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Robinson shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
7. Dr. Robinson shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Robinson to administer or personally furnish controlled substances, Dr. Robinson 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. Robinson's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Robinson shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board upon request.

Sobriety

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

Drug and Alcohol Screens/Supervising Physician

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

**STEP II CONSENT AGREEMENT
KENT ROBINSON, M.D.
PAGE 5**

screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

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

Dr. Robinson and the Board agree that the person or entity previously approved by the Board to serve as Dr. Robinson's supervising physician pursuant to the December 2004 Step I Consent Agreement is hereby approved to continue as Dr. Robinson's designated supervising physician under this Consent Agreement, unless, within thirty days of the effective date of this Consent Agreement, Dr. Robinson submits to the Board for its prior approval the name and curriculum vitae of an alternative supervising physician to whom Dr. Robinson 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. Robinson. Dr. Robinson 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.

The Board expressly reserves the right to disapprove any person or entity proposed to serve as Dr. Robinson's designated supervising physician, or to withdraw approval of any person or entity previously approved to serve as Dr. Robinson's designated supervising physician, in the event that the Secretary and Supervising Member of the Board determine that any such supervising physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Dr. Robinson 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. Robinson must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Robinson 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.

**STEP II CONSENT AGREEMENT
KENT ROBINSON, M.D.
PAGE 6**

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

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

Approval of Employment

12. Dr. Robinson shall obtain the approval of the Board for any medical practice or employment related to the health care fields. In approving or disapproving the proposed employment, the Board shall consider, among other factors, the adequacy and continuity of supervision and the feasibility of restricted access to controlled substances, so as to ensure the protection of the public.

Work Hour Limitation

13. Dr. Robinson, upon his return to practice, shall limit his work hours to no more than thirty hours of work per week during the first six weeks of his return to practice, no more than forty hours per week during the next six weeks, and thereafter, no more than fifty hours of work per week until otherwise approved by the Board. The work hour limitation shall not include those hours that Dr. Robinson is "on call" unless he is required to work as a result of his "on call" status. Dr. Robinson shall keep a log reflecting the dates, times, and facilities and/or locations at which he works, as well as all dates and times that Dr. Robinson is "on call," whether or not he was required to work as a result of his "on call" status. Dr. Robinson shall submit his work log for receipt in the Board's offices no later than the due date for Dr. Robinson's quarterly declaration.

Any request by Dr. Robinson for modification of the limitation on work hours set forth in this paragraph shall be accompanied by documentation from a physician affiliated with a Board approved treatment provider, or other physician approved by the Board for this purpose, who has evaluated Dr. Robinson, indicating that such physician supports Dr. Robinson's request for modification.

**STEP II CONSENT AGREEMENT
KENT ROBINSON, M.D.
PAGE 7**

Monitoring Physician

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

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

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

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

**STEP II CONSENT AGREEMENT
KENT ROBINSON, M.D.
PAGE 8**

Aftercare/ Physician Health Program

16. Dr. Robinson shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, provided that, where terms of the aftercare contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.
17. Dr. Robinson shall maintain continued compliance with the terms of the advocacy agreement entered into with the Ohio Physicians Health Program, or, if approved in advance by the Board, another physicians health program, provided that, where terms of the advocacy agreement conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Releases

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

Required Reporting by Licensee

19. Within thirty days of the effective date of this Consent Agreement, Dr. Robinson shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Robinson shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
20. Within thirty days of the effective date of this Consent Agreement, Dr. Robinson shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Robinson further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license. Further, Dr. Robinson shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

**STEP II CONSENT AGREEMENT
KENT ROBINSON, M.D.
PAGE 9**

21. Dr. Robinson shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Robinson chemical dependency treatment or monitoring.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Robinson 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. Robinson has violated any term, condition or limitation of this Consent Agreement, Dr. Robinson agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

Dr. Robinson shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Robinson shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year, with the exception of the limitation on work hours included in Paragraph 13, above, which may be modified during the first 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. Robinson acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

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

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

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Robinson acknowledges that his social

STEP II CONSENT AGREEMENT
KENT ROBINSON, M.D.
PAGE 10

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

EFFECTIVE DATE

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

Kent Robinson
KENT ROBINSON, M.D.
7/6/05
DATE

Lance A. Talmage
LANCE A. TALMAGE, M.D.
Secretary
7-13-05
DATE

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member
7/13/05
DATE

Kathleen S. Peterson
KATHLEEN S. PETERSON
Enforcement Attorney
7/11/05
DATE

**STEP I
CONSENT AGREEMENT
BETWEEN
KENT ROBINSON, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO**

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

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

BASIS FOR ACTION

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

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation of Section 4731.22(B)(26), "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 for violation of Section 4731.22(B)(10), "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Ohio Revised Code Section 4731.22(B)(26), as set forth in Paragraph E below, and the violation of Ohio Revised Code Section 4731.22(B)(10), to wit: Section 2925.22, Ohio Revised Code, Deception to Obtain a Dangerous Drug, to wit: Viagra, 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 Agreement.
- C. Dr. Robinson is licensed to practice medicine and surgery in the State of Ohio, License # 35- 051764.

- D. Dr. Robinson states that he is also licensed to practice medicine and surgery in the State(s) of OHIO.
- E. Dr. Robinson admits that following receipt of a letter from the Board ordering him to submit to a three-day evaluation at a Board-approved treatment provider, in order to determine whether he is in violation of Section 4731.22(B)(26), Ohio Revised Code, Dr. Robinson entered The Woods at Parkside [Parkside], a Board-approved treatment provider in Columbus, Ohio, on or about December 2, 2004, for the Board-ordered evaluation. Dr. Robinson admits that, following an assessment performed at Parkside, the treatment team determined that Dr. Robinson suffers from cocaine dependency, alcohol abuse and depression, and that he is impaired in his ability to practice due to the habitual or excessive use or abuse of cocaine. Dr. Robinson further admits that the evaluators at Parkside recommended that he receive treatment for the above-described diagnoses, and that, on or about December 2, 2004, he began inpatient treatment at Parkside for chemical dependence.

Further, Dr. Robinson admits that he is impaired due to chemical dependence, that his drug of choice is cocaine, and that he has not previously had any inpatient, outpatient or any other type of treatment for chemical dependence. Dr. Robinson further admits that he began using cocaine on an occasional-weekend basis approximately two years ago, that his usage increased to every weekend approximately one year ago, and that, for the last nine months, he has purchased and used cocaine approximately two to three times per week. Dr. Robinson admits that he has used both powder and crack cocaine and that his last use was approximately three days prior to entering Parkside for treatment.

- F. Dr. Robinson further admits that, on or about September 9, 2004, he was indicted, in Hamilton County, Ohio, for four counts of Deception to Obtain a Dangerous Drug, to wit: Viagra, in violation of Section 2925.22, Ohio Revised Code. Dr. Robinson further admits that he did obtain Viagra by deception, in that he wrote or called in prescriptions for Viagra in his brother-in-law's name, but obtained and kept the drugs for his personal use.

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

SUSPENSION OF CERTIFICATE

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

Releases; Quarterly Declarations and Appearances

4. Dr. Robinson 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. Robinson'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. Robinson further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.
5. Dr. Robinson shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective, provided that if the effective date is on or after the sixteenth day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
6. Dr. Robinson 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. Robinson shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Robinson shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

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

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

Rehabilitation Program

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

CONDITIONS FOR REINSTATEMENT

9. The Board shall not consider reinstatement of Dr. Robinson's certificate to practice medicine and surgery until all of the following conditions are met:
 - a. Dr. Robinson shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Robinson shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
 - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Robinson has successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical dependence, as set forth in Rules 4731-16-02(B)(4)(a) and 4731-16-08(A)(13), Ohio Administrative Code.
 - ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
 - iii. Evidence of continuing full compliance with this Consent Agreement.
 - iv. Two written reports indicating that Dr. Robinson's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Robinson. Prior to the assessments, Dr. Robinson shall provide the evaluators with copies of patient records from any evaluations

and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Robinson, and any conditions, restrictions, or limitations that should be imposed on Dr. Robinson's practice. The reports shall also describe the basis for the evaluator's determinations.

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

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

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

REQUIRED REPORTING BY LICENSEE

11. Within thirty days of the effective date of this Consent Agreement, Dr. Robinson shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Robinson further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Robinson 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. Robinson shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Robinson shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

The above-described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Robinson 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. Robinson acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

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

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

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Robinson acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

EFFECTIVE DATE

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

Kent Robinson M.D.
KENT ROBINSON, M.D.

12/7/04
DATE

Lance A. Talmage M.D.
LANCE A. TALMAGE, M.D.
Secretary

12-8-04
DATE

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member

12/9/04
DATE

Kathleen S. Peterson
KATHLEEN S. PETERSON
Enforcement Attorney

12/7/04
DATE