

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

ANDREW SCHNEIDER, M.D.

ORDER AND ENTRY

On or about March 28, 2006, and April 12, 2006, notices were issued to Andrew Schneider, M.D., that the State Medical Board of Ohio intended to consider disciplinary action against his license to practice medicine and surgery in the State of Ohio. The Board having subsequently been notified of Dr. Schneider's demise on or about April 24, 2006, it is hereby ORDERED that the above referenced matters be and are hereby dismissed as MOOT.


Lance A. Talmage, M.D. *by* BAJ
Secretary

SEAL


Date



State Medical Board of Ohio

77 S. High Street, Columbus, OH 43215-6127 • (614) 466-2534 • Website: www.med.ohio.gov

April 12, 2006

Andrew Schneider, M.D.
5330 Lakeview Drive
Powell, Ohio 43065

Dear Doctor Schneider:

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

- (1)(a) On or about January 13, 1999, you entered into a Step I Consent Agreement [January 1999 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code. Pursuant to the terms of the January 1999 Step I Consent Agreement, your certificate to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time, but not less than three months.
- (b) On or about May 12, 1999, after you fulfilled the conditions for reinstatement of your certificate to practice medicine and surgery in the State of Ohio, as established in the January 1999 Step I Consent Agreement, you entered into a Consent Agreement [May 1999 Step II Consent Agreement] with the Board in lieu of formal proceedings based upon your violation of Sections 4731.22(B)(26) and 4731.22(B)(10), Ohio Revised Code.

The May 1999 Step II Consent Agreement reinstated your certificate to practice medicine and surgery in the State of Ohio effective July 1, 1999, and made your certificate subject to probationary terms and conditions, which remained in force for five years. At your request, you were released from the terms of the Step II Consent Agreement by vote of the Board on July 14, 2004.

- (c) On November 1, 2004, the Board issued to you a Notice of Summary Suspension and Opportunity for Hearing, which alleged your violation of Section 4731.22(B)(26), Ohio Revised Code.
- (d) On or about January 13, 2005, you entered into a Step I Consent Agreement [January 2005 Step I Consent Agreement] with the Board in lieu of formal

Mailed 4-13-06

proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in the Notice of Summary Suspension and Opportunity for Hearing issued on November 1, 2004. Pursuant to the terms of the January 2005 Step I Consent Agreement, your certificate to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time, but not less than ninety days.

- (e) On or about April 13, 2005, the Board issued to you a Notice of Opportunity for Hearing, which alleged your violation of Section 4731.22(B)(15), Ohio Revised Code.
- (f) On or about August 10, 2005, after you fulfilled the conditions for reinstatement of your certificate to practice medicine and surgery in the State of Ohio, as established in the January 2005 Step I Consent Agreement, you entered into a Step II Consent Agreement [August 2005 Step II Consent Agreement] with the Board in lieu of formal proceedings based upon your violation of Sections 4731.22(B)(15) and 4731.22(B)(26), Ohio Revised Code, as set forth in the Notice of Opportunity for Hearing issued on April 13, 2005. The August 2005 Step II Consent Agreement reinstated your certificate to practice medicine and surgery in the State of Ohio effective August 10, 2005, subject to certain probationary terms, conditions and limitations.
- (2) On or about March 28, 2006, the Board issued to you a Notice of Summary Suspension and Opportunity for Hearing, notifying you that the Board had adopted an Order summarily suspending your certificate to practice medicine and surgery, and further notifying you that the Board proposed to take disciplinary action against your certificate based upon allegations that you were in violation of Sections 4731.22(B)(15) and (B)(26), Ohio Revised Code, related to two urine specimens you submitted being reported as positive for cocaine. A copy of the Notice of Summary Suspension and Opportunity for Hearing is attached hereto and incorporated herein. This matter remains pending.
- (3) On or about March 15, 2006, you submitted a urine specimen for random drug and alcohol screening pursuant to the requirements of the August 2005 Step II Consent Agreement, a copy of which is attached hereto and incorporated herein. Paragraph 9 of the August 2005 Step II Consent Agreement requires that you "shall abstain completely from the use of alcohol."

Despite this provision, the urine specimen that you submitted on or about March 15, 2006, was reported to the Board on or about March 28, 2006, as positive and GC/FID confirmed for alcohol.

Your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed by the

board upon a certificate to practice,” as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) above, individually and/or collectively, constitute “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,” as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

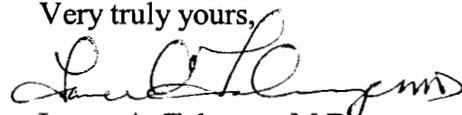
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.

Secretary

Andrew Schneider, M.D.
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Enclosures

CERTIFIED MAIL # 7003 0500 0002 4330 8803
RETURN RECEIPT REQUESTED



State Medical Board of Ohio

77 N. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3875 • Website: www.mbo.ohio.gov

March 28, 2006

Andrew Schneider, M.D.
5330 Lakeview Drive
Powell, Ohio 43065

Dear Doctor Schenider:

Enclosed please find certified copies of the Entry of Order, the Notice of Summary Suspension and Opportunity for Hearing, and the Motion by the State Medical Board of Ohio made at a conference call on March 28, 2006, scheduled pursuant to Section 4731.22(G), Ohio Revised Code, adopting the Order of Summary Suspension and issuing the Notice of Summary Suspension and Opportunity for Hearing.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate, in violation of Section 4731.41, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing on the matters set forth in the Notice of Summary Suspension and Opportunity for Hearing. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice. Further information concerning such hearing is contained within the Notice of Summary Suspension and Opportunity for Hearing.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.

Lance A. Talmage, M.D., Secretary

LAT:blt
Enclosures

Mailed 3-29-06

CERTIFICATION

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, in a conference call on March 28, 2006, scheduled pursuant to Section 4731.22(G), Ohio Revised Code, to Adopt the Order of Summary Suspension and to Issue the Notice of Summary Suspension and Opportunity for Hearing, constitute true and complete copies of the Motion and Order in the Matter of Andrew Schneider, M.D., as they appear in the Journal of the State Medical Board of Ohio.

This certification is made under the authority of the State Medical Board of Ohio and in its behalf.



Lance A. Talmage, M.D., Secretary

(SEAL)

March 28, 2006

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

ANDREW SCHNEIDER, M.D.

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 28th day of March, 2006.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Raymond J. Albert, Supervising Member; and

Pursuant to their determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that there is clear and convincing evidence that Andrew Schneider, M.D. has violated Sections 4731.22(B)(15) and (B)(26), Ohio Revised Code, as alleged in the Notice of Summary Suspension and Opportunity for Hearing that is enclosed herewith and fully incorporated herein; and,

Pursuant to their further determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that Dr. Schneider's continued practice presents a danger of immediate and serious harm to the public;

The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 28th day of March, 2006;

It is hereby ORDERED that the certificate of Andrew Schneider, M.D., to practice medicine or surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that Andrew Schneider, M.D., shall immediately cease the practice of medicine and surgery in Ohio and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.



Lance A. Talmage, M.D., Secretary

March 28, 2006

Date

(SEAL)



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0515 • 614/ 466-3934 • Website: www.state.oh.us/med/

EXCERPT FROM TELECONFERENCE OF MARCH 28, 2006

CONFERENCE CALL OF MARCH 28, 2006 TO CONSIDER THE SUMMARY SUSPENSION OF A CERTIFICATE

ANDREW SCHNEIDER, M.D. - ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

The following Board members participated in the conference call: Andrew F. Robbins, M.D., President; Deepak Kumar, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; Nandlal Varyani, M.D.; Anquetette Sloan; and Anita M. Steinbergh, D.O.

Copies of the Proposed Order of Summary Suspension and Notice of Opportunity for Hearing were previously distributed to Board members.

DR. VARYANI MOVED TO ENTER AN ORDER OF SUMMARY SUSPENSION IN THE MATTER OF ANDREW SCHNEIDER, M.D., IN ACCORDANCE WITH SECTION 4731.22(G), OHIO REVISED CODE, AND TO ISSUE THE NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING TO DR SCHNEIDER. DR. KUMAR SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

The motion carried.

Dr. Robbins asked Dr. Talmage whether he authorized staff to affix his electronic signature to the order of summary suspension, notice of opportunity for hearing, certification and cover letter in the matter of Andrew Schneider, M.D. in his absence from the Board's office. Dr. Talmage responded that he does give his authorization.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3534 • www.smb.ohio.gov

NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

March 28, 2006

Andrew Schneider, M.D.
5330 Lakeview Drive
Powell, Ohio 43065

Dear Doctor Schneider:

The Secretary and the Supervising Member of the State Medical Board of Ohio [Board] have determined that there is clear and convincing evidence that you have violated Sections 4731.22(B)(15) and (B)(26), Ohio Revised Code, and have further determined that your continued practice presents a danger of immediate and serious harm to the public, as set forth in paragraphs (1) through (3), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Raymond J. Albert, Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your certificate to practice medicine or surgery in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice medicine and surgery in Ohio.

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

- (1)(a) On or about January 13, 1999, you entered into a Step I Consent Agreement [January 1999 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code. Pursuant to the terms of the January 1999 Step I Consent Agreement, your certificate to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time, but not less than three months.
- (b) On or about May 12, 1999, after you fulfilled the conditions for reinstatement of your certificate to practice medicine and surgery in the State of Ohio, as established in the January 1999 Step I Consent Agreement, you entered into a Consent Agreement [May 1999 Step II Consent Agreement] with the Board in lieu of formal proceedings based upon your violation of Sections 4731.22(B)(26) and 4731.22(B)(10), Ohio Revised Code.

Mailed 3-29-06

The May 1999 Step II Consent Agreement reinstated your certificate to practice medicine and surgery in the State of Ohio effective July 1, 1999, and made your certificate subject to probationary terms and conditions, which remained in force for five years. At your request, you were released from the terms of the Step II Consent Agreement by vote of the Board on July 14, 2004.

- (c) On November 1, 2004, the Board issued to you a Notice of Summary Suspension and Opportunity for Hearing, which alleged your violation of Section 4731.22(B)(26), Ohio Revised Code.
- (d) On or about January 13, 2005, you entered into a Step I Consent Agreement [January 2005 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in the Notice of Summary Suspension and Opportunity for Hearing issued on November 1, 2004. Pursuant to the terms of the January 2005 Step I Consent Agreement, your certificate to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time, but not less than ninety days.
- (e) On or about April 13, 2005, the Board issued to you a Notice of Opportunity for Hearing, which alleged your violation of Section 4731.22(B)(15), Ohio Revised Code.
- (2) On or about August 10, 2005, after you fulfilled the conditions for reinstatement of your certificate to practice medicine and surgery in the State of Ohio, as established in the January 2005 Step I Consent Agreement, you entered into a Step II Consent Agreement [August 2005 Step II Consent Agreement] with the Board in lieu of formal proceedings based upon your violation of Sections 4731.22(B)(26) and 4731.22(B)(15), Ohio Revised Code, as set forth in the Notice of Opportunity for Hearing issued on April 13, 2005. The August 2005 Step II Consent Agreement reinstated your certificate to practice medicine and surgery in the State of Ohio effective August 10, 2005, subject to certain probationary terms, conditions and limitations, which are to remain in force for a minimum of five years. A copy of the August 2005 Step II Consent Agreement is attached hereto and incorporated herein.

Paragraph 8 of the August 2005 Step II Consent Agreement states that, you “shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to [you] by another so authorized by the law who has full knowledge of [your] history of chemical dependency and who is [your] treating physician.”

Despite this provision, the urine specimen you submitted for drug screening on or about February 25, 2006, was reported as positive for cocaine and was GC/MS

confirmed for benzoylecgonine. Further, despite this provision, the urine specimen you submitted for drug screening on or about March 11, 2006, was also reported as positive for cocaine and was GC/MS confirmed for benzoylecgonine.

- (3) In the "Failure to Comply" provision of your August 2005 Step II Consent Agreement, you contractually agreed that, if the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that you have violated any term, condition or limitation of the agreement, such violation, as alleged, also constitutes clear and convincing evidence that your 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.

Further, Section 4731.22(B)(26), Ohio Revised Code, provides that if the Board determines that an individual's ability to practice is impaired, the Board shall suspend the individual's certificate and shall require the individual, as a condition for continued, reinstated, or renewed certification to practice, to submit to treatment and, before being eligible to apply for reinstatement, to demonstrate to the Board the ability to resume practice in compliance with acceptable and prevailing standards of care, including completing required treatment, providing evidence of compliance with an aftercare contract or written consent agreement, and providing written reports indicating that the individual's ability to practice has been assessed by individuals or providers approved by the Board and that the individual has been found capable of practicing according to acceptable and prevailing standards of care.

Further, Rule 4731-16-02(B)(3), Ohio Administrative Code, provides that if an examination discloses impairment, or if the Board has other reliable, substantial and probative evidence demonstrating impairment, the Board shall initiate proceedings to suspend the licensee, and may issue an order of summary suspension as provided in Section 4731.22(G), Ohio Revised Code. Additionally, Rule 4731-16-02(B)(3), Ohio Administrative Code, further provides that an individual's relapse following treatment constitutes independent proof of impairment and shall support license suspension without the need for an examination.

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) above, individually and/or collectively, constitute "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive

use or abuse of drugs, alcohol, or other substances that impair ability to practice,” as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning these matters. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink that reads "Lance A. Talmage, M.D." The signature is written in a cursive style.

Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4330 8315
RETURN RECEIPT REQUESTED

STEP II
CONSENT AGREEMENT
BETWEEN
ANDREW SCHNEIDER, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

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

Dr. Schneider 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 final adjudicative order 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 47321.22(B)(26), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for “impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.”
- B. The Board is empowered by Section 4731.22(B)(15), 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 a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice.”
- C. On November 1, 2004, the Board issued a Notice of Summary Suspension and Opportunity for Hearing to Dr. Schneider, a copy of which is attached hereto and fully incorporated herein, based upon its determination that Dr. Schneider was impaired in his ability to practice medicine and surgery, pursuant to Section 4731.22(B)(26), Ohio Revised Code, and that his continued practice presented a danger of immediate and serious harm to the public.
- D. On January 13, 2005, Dr. Schneider entered into a Step I Consent Agreement with the Board (hereinafter January 2005 Step I Consent Agreement), in lieu of further formal proceedings based upon the violation

of Section 4731.22(B)(26), Ohio Revised Code, as set forth in the Notice of Summary Suspension and Opportunity for Hearing. In the January 2005 Step I Consent Agreement, a copy of which is attached hereto and fully incorporated herein, Dr. Schneider admitted that he relapsed on opiates on or around September 2004. Dr. Schneider further admitted that he entered Parkside Behavioral Healthcare, (Parkside), a Board approved treatment provider under Section 4731.25, Ohio Revised Code, in Columbus, Ohio, to undergo at least twenty-eight days of inpatient treatment for chemical dependency and to be psychiatrically examined by a psychiatrist affiliated with Parkside. Dr. Schneider's license was suspended for an indefinite period of time, but not less than ninety days, pursuant to the terms of the January 2005 Step I Consent Agreement.

- E. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code. The Board expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Ohio Revised Code, whether occurring before or after the effective date of this Consent Agreement.
- F. The Board also enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 431.22(B)(15), Ohio Revised Code, as set forth in Paragraph R, below, and in the Notice of Opportunity for Hearing issued by the Board on April 13, 2005, a copy of which is attached hereto and fully incorporated herein. The Board expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Ohio Revised Code, whether occurring before or after the effective date of this Consent Agreement.
- G. Dr. Schneider is applying for reinstatement of his license to practice medicine and surgery in the State of Ohio, License # 35-053843, which was suspended pursuant to the terms of the above-referenced January 2005 Step I Consent Agreement.
- H. Dr. Schneider states that he does not hold a training certificate nor is he licensed to practice medicine and surgery in any other state or jurisdiction.
- I. Dr. Schneider admits that he successfully completed twenty-eight days of inpatient treatment for chemical (opiate) dependency at Parkside and was discharged on January 18, 2005.
- J. Dr. Schneider states, and the Board acknowledges, that, in or around February 2005, Mark A. Hurst, M.D., a physician approved by the Board for purposes of evaluating Dr. Schneider, saw Dr. Schneider for a duty

Step II Consent Agreement

Andrew Schneider, M.D.

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fitness assessment and diagnosed him with Opioid Dependence (specifically Vicodin) and Major Depressive Disorder, both of which were in early full remission at the time.

- K. Dr. Schneider further admits that, on or about February 27, 2005, he was psychiatrically evaluated by a psychiatrist, Mark Fettman, M.D., who is affiliated with Parkside.
- L. Dr. Schneider states, and the Board acknowledges, that Dr. Fettman recommended a psychiatric treatment plan for Dr. Schneider to undergo psychotherapy and medication management by a psychiatrist on a weekly basis upon his return to work. Dr. Fettman opined that such treatment plan should continue for at least two months, after which the psychiatrist can make a determination about the ongoing frequency of treatment.
- M. Although the psychiatric evaluation did not occur during Dr. Schneider's inpatient treatment as required by Paragraph 13(b)(ii) in the January 2005 Step I Consent Agreement, the Board accepts the evaluation and letter from Dr. Fettman as satisfaction of this condition for reinstatement. Additionally, the Board accepts the evaluation and letter from Dr. Fettman as a written report indicating that Dr. Schneider has been psychiatrically evaluated, that his ability to practice has been assessed, and that he has been found capable of practicing according to acceptable and prevailing standards of care.
- N. Dr. Schneider states and the Board acknowledges, that Edna Marie Jones, M.D., of Parkside and Mark A. Hurst, M.D., have provided written reports indicating that Dr. Schneider's ability to practice has been assessed and that he had 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.
- O. Dr. Schneider states that he entered into an aftercare contract with Parkside, on or about April 25, 2005, and further admits that such contract remains in effect to date. Dr. Schneider states, and the Board acknowledges receipt of information to support, that Dr. Schneider has remained fully compliant with his aftercare contract with his treatment provider, Parkside.
- P. Dr. Schneider states, and the Board acknowledges, that Dr. Schneider has fulfilled the conditions for reinstatement of his certificate to practice medicine and surgery in the State of Ohio, as established in the January 2005 Step I Consent Agreement.

- Q. Dr. Schneider admits that, in or around November 2004, he was admitted into a hospital for treatment after a suicide attempt. Dr. Schneider further admits that he spent nine days in the psychiatric unit of Ohio State University Hospital where he was psychiatrically treated for depression and prescribed Remeron by a treating physician.
- R. Dr. Schneider admits that, on or about the second week of December 2004, while his license was summarily suspended pursuant to the terms of the Notice of Summary Suspension and Opportunity for Hearing, he obtained office sample supplies of Remeron for his own use from his supervising physician, Roger Garcia, D.O., J.D., who was not his treating physician. Dr. Schneider further admits that he continued to use the medication after entering into the January 2005 Step I Consent Agreement.
- S. Dr. Schneider states, and the Board acknowledges, that Mark A. Hurst, M.D., in his written duty fitness assessment of Dr. Schneider, "discouraged [Dr. Schneider] from engaging in any 'self-treatment' no matter how innocuous it might be (such as obtaining Remeron from office samples)." Dr. Hurst recommended that Dr. Schneider should obtain medication only from a treating psychiatrist who prescribes and supervises psychotropic medication, including Remeron. Additionally, Dr. Hurst recommended that Dr. Schneider have an identified primary care physician who coordinates all his medical care.

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

1. Dr. Schneider shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Schneider 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 January 2005 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. Schneider 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 January 2005 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. Schneider shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
5. In the event that Dr. Schneider 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. Schneider 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. Schneider's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Schneider shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
7. Dr. Schneider 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 and federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Schneider to administer or personally furnish controlled substances, Dr. Schneider 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. Schneider's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Schneider 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. Schneider 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. Schneider's history of chemical dependency and who is Dr. Schneider's treating physician.
9. Dr. Schneider shall abstain completely from the use of alcohol.

Drug and Alcohol Screens / Supervising Physician

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

11. The Board retains the right to require, and Dr. Schneider agrees to submit, blood or urine specimens for analysis at Dr. Schneider's expense upon the Board's request and without prior notice. Dr. Schneider's refusal to submit a blood or urine specimen upon request of the Board shall result in a minimum of one year of actual license suspension.

Monitoring Physician

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

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

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Schneider must immediately so notify the Board in writing. In addition, Dr. Schneider 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. Schneider shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reason therefore.

Rehabilitation Program

13. Within thirty days of the effective date of this Consent Agreement, Dr. Schneider shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or C.A., no less than three times per week and Caduceus no less than once a week. Substitution of any other specific program must receive prior Board approval.

Dr. Schneider shall submit acceptable documentary evidence of continuing compliance with these programs which must be received in the Board's office no later than the due date for Dr. Schneider's quarterly declarations.

Aftercare

14. Dr. Schneider shall enter into an advocacy contract with the Ohio Physicians Effectiveness Program to arrange for assistance in recovery or aftercare.
15. Dr. Schneider shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, Parkside, and with the advocacy contract entered into with the Ohio Physicians Effectiveness Program, provided that, where terms of the aftercare contract or advocacy contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Psychiatric Treatment

16. Within thirty days of the effective date of this Consent Agreement, Dr. Schneider shall submit to the Board for its prior approval the name and qualifications of a psychiatrist of his choice. Upon approval by the Board, Dr. Schneider shall undergo and continue psychiatric treatment weekly for at least two consecutive months or for the total of eight consecutive weekly sessions, as recommended by Dr. Fettman, or as otherwise directed by the Board. After at least two consecutive months, the psychiatrist can make a written recommendation to the Board about the ongoing frequency of Dr. Schneider's treatment. Any such written recommendation must be approved by the Board. Upon approval by the Board, Dr. Schneider shall

undergo and continue psychiatric treatment with the ongoing frequency recommended by his psychiatrist or otherwise directed by the Board. All sessions shall be in person and may not be conducted by telephone or other electronic means. Dr. Schneider shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his psychiatric disorder. Dr. Schneider shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the Board and to his Board-approved primary care physician on a quarterly basis, or as otherwise directed by the Board. The psychiatric reports shall contain information describing Dr. Schneider's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Schneider's compliance with his treatment plan; Dr. Schneider's mental status; Dr. Schneider's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. It is Dr. Schneider's responsibility to ensure that quarterly reports are received in the Board's offices and the medical office of his Board-approved primary care physician no later than the due date for Dr. Schneider's quarterly declaration.

Dr. Schneider shall ensure that his treating psychiatrist immediately provides his Board-approved primary care physician with information describing his current treatment plan and a list of all medications prescribed, administered, or dispensed to Dr. Schneider by the treating psychiatrist. In addition, Dr. Schneider shall ensure that his treating psychiatrist immediately notifies his Board-approved primary care physician of any changes to Dr. Schneider's treatment plan; any changes to his medications; any changes to his mental status; and the results of any laboratory studies that have been conducted on Dr. Schneider. Dr. Schneider shall ensure that his treating psychiatrist immediately notifies the Board and the Board-approved primary care physician of Dr. Schneider's failure to comply with his psychiatric treatment plan and/or any determination that Dr. Schneider is unable to practice due to his psychiatric disorder.

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

Dr. Schneider shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treating psychiatrist to his Board-approved primary care physician, to his treatment provider, and to others involved in the monitoring progress, of information necessary for them to fulfill their respective duties and obligations.

Primary Care Physician

17. Dr. Schneider shall submit to the Board for its prior approval the name and qualifications of a primary care physician of his choice. The primary care physician shall coordinate all of Dr. Schneider's medical care and be knowledgeable of his recovery, including, but not limited to, his psychiatric treatment. Upon approval by the Board, Dr. Schneider shall furnish the approved primary care physician copies of this Consent Agreement, the written duty fitness assessments from Drs. Fettman, Hurst, and Jones and any other documentation which the Board may deem appropriate or helpful to the primary care physician.

Dr. Schneider shall ensure that his primary care physician submits reports to the Board and to his Board-approved treating psychiatrist on a quarterly basis, or as otherwise directed by the Board. The reports shall contain information describing Dr. Schneider's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Schneider's compliance with his treatment plan; Dr. Schneider's progress in treatment; and a list of all medications prescribed, administered, or dispensed to Dr. Schneider by the primary care physician, the Board-approved treating psychiatrist and any other treating physician. Dr. Schneider shall ensure that the quarterly reports are received in the Board's offices and the medical office of his Board-approved treating psychiatrist no later than the due date for Dr. Schneider's quarterly declaration.

In addition, Dr. Schneider shall ensure that his primary care physician immediately notifies the Board and the Board-approved treating psychiatrist of Dr. Schneider's failure to comply with treatment plan and/or of any use by Dr. Schneider of medications not approved by the primary care physician or the treating psychiatrist.

In the event that the designated primary care physician becomes unable or unwilling to serve in this capacity, Dr. Schneider must immediately so notify the Board and his treating psychiatrist in writing. In addition, Dr. Schneider shall make arrangements acceptable to the Board for another primary care physician within thirty days after the previously designated primary care physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Schneider shall

ensure that the previously designated primary care physician also notifies the Board and the Board-approved treating psychiatrist directly of his or her inability to continue to serve and the reasons therefore.

Dr. Schneider shall provide continuing authorization, through appropriate written consent forms, for disclosure by his primary care physician to his Board-approved treating psychiatrist, to his treatment provider, and to others involved in the monitoring progress, of information necessary for them to fulfill their respective duties and obligations.

Approval of Employment

18. Dr. Schneider shall obtain the approval of the Board for any medical practice or employment related to the health care fields. The Board shall consider, among other factors, the adequacy and continuity of supervision and the feasibility of restricted access to controlled substances, which will ensure the protection of the public, prior to approval or disapproval of the proposed employment.

Work Hour Limitation

19. Dr. Schneider shall limit his work hours to no more than fifty hours of work per week, until otherwise approved by the Board. Dr. Schneider shall keep a log reflecting the dates, times, and facilities and/or locations at which he works. Dr. Schneider shall submit his work log for receipt in the Board's offices no later than the due date for Dr. Schneider's quarterly declaration.

Any request by Dr. Schneider 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. Schneider, indicating that such physician supports Dr. Schneider's request for modification.

Releases

20. Dr. Schneider 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 progress, of information necessary for them to fulfill their respective duties and obligations.

Required Reporting by Licensee

21. Within thirty days of the effective date of this Consent Agreement, Dr. Schneider 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. Schneider 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.
22. Within thirty days of the effective date of this Consent Agreement, Dr. Schneider 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. Schneider 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. Schneider shall provide this board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
23. Dr. Schneider shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Schneider chemical dependency treatment or monitoring or psychiatric treatment.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Schneider 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. Schneider has violated any term, condition or limitation of this Consent Agreement, Dr. Schneider agrees that the violation, as alleged, also constitutes clear and continuing 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 47321.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

Dr. Schneider shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Schneider shall not request modification to the probationary terms, limitations, and conditions contained herein, with the exception of the limitation included in Paragraph 19 requiring that he limit his work hours to no more than fifty hours per week, 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.

ACKNOWLEDGEMENTS/LIABILITY RELEASE

Dr. Schneider 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. Schneider 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. Schneider 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

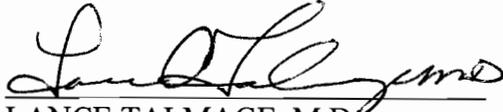
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.



ANDREW SCHNEIDER, M.D.

8/4/05

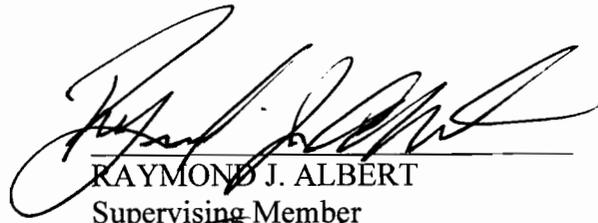
DATE



LANCE TALMAGE, M.D.
Secretary

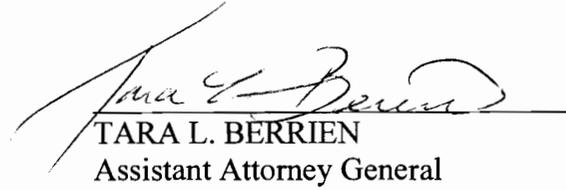
8-10-05

DATE



RAYMOND J. ALBERT
Supervising Member

8/10/05
DATE



TARA L. BERRIEN
Assistant Attorney General

8/10/05
DATE



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

April 13, 2005

Andrew Schneider, M.D.
5330 Lakeview Drive
Powell, Ohio 43065

Dear Doctor Schneider:

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

- (1)(a) On or about January 13, 1999, you entered into a Step I Consent Agreement [January 1999 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code. Pursuant to the terms of the January 1999 Step I Consent Agreement, your certificate to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time, but not less than three months. A copy of the January 1999 Step I Consent Agreement is attached hereto and incorporated herein.
- (b) On or about May 12, 1999, after you fulfilled the conditions for reinstatement of your certificate to practice medicine and surgery in the State of Ohio, as established in the January 1999 Step I Consent Agreement, you entered into a Step II Consent Agreement with the Board in lieu of formal proceedings based upon your violation of Sections 4731.22(B)(26) and (B)(10), Ohio Revised Code. A copy of this May 12, 1999, Step II Consent Agreement [Step II Consent Agreement] is attached hereto and incorporated herein.

The Step II Consent Agreement reinstated your certificate to practice medicine and surgery in the State of Ohio effective July 1, 1999, and made your certificate subject to probationary terms and conditions, which remained in force for five years. At your request, you were released from the terms of the Step II Consent Agreement by vote of the Board on July 14, 2004.

- (c) On November 1, 2004, the Board issued to you a Notice of Summary Suspension and Opportunity for Hearing, which alleged your violation of

MAILED 4-14-05

Section 4731.22(B)(26), Ohio Revised Code. A copy of the Notice of Summary Suspension and Opportunity for Hearing is attached hereto and fully incorporated herein.

- (d) Following an administrative hearing that was held on November 17 and 18, 2004, you entered The Woods at Parkside, a Board approved treatment provider, on December 20, 2004, to undergo at least 28 days of inpatient treatment for chemical dependence and to be psychiatrically examined by a psychiatrist affiliated with The Woods at Parkside.
- (2) On or about January 13, 2005, you entered into a Step I Consent Agreement [January 2005 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in the Notice of Summary Suspension and Opportunity for Hearing issued on November 1, 2004. Pursuant to the terms of the January 2005 Step I Consent Agreement, your certificate to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time, but not less than ninety days. (Although you have initiated efforts to have materials submitted in fulfillment of the reinstatement requirements set forth in the January 2005 Step I Consent Agreement, your reinstatement application remains incomplete.) A copy of the January 2005 Step I Consent Agreement is attached hereto and incorporated herein.

Pursuant to the January 2005 Step I Consent Agreement, you agreed to comply with certain terms, conditions, and limitations. Paragraph 2 of the January 2005 Step I Consent Agreement states that, you “shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to [you] by another so authorized by the law who has full knowledge of [your] history of chemical dependency.”

Despite this provision, you reported to multiple sources that you obtained Remeron from office sample supplies for your own use.

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,


Lance A. Talmage, M.D.
Secretary

LAT

LAT/blt
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5142 9181
RETURN RECEIPT REQUESTED

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

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

Dr. Schneider 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 final adjudicative order 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 "[i]nability 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. On or about January 13, 1999, Dr. Schneider entered into a Step I Consent Agreement (hereinafter January 1999 Step I Consent Agreement) with the Board in lieu of formal proceedings based upon a violation of Section 4731.22(B)(26). In the January 1999 Step I Consent Agreement, a copy of which is attached hereto and fully incorporated herein, Dr. Schneider admitted that he repeatedly wrote prescriptions for hydrocodone in the names of others and filled the prescriptions for his own use in 1994, 1996, and 1998. Dr. Schneider's license to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time, but not less than three months, pursuant to the terms of the January 1999 Step I Consent Agreement.
- C. On or about May 12, 1999, Dr. Schneider entered into a Step II Consent Agreement (hereinafter May 1999 Step II Consent Agreement) with the Board in lieu of formal proceedings based upon a violation of Section 4731.22(B)(26). In the May 1999 Step II Consent Agreement, a copy of which is attached hereto and fully incorporated herein, Dr. Schneider admitted that he suffers from chemical dependency. He further admitted that he entered treatment for his chemical dependency at the Harding Addiction Recovery Center at Harding Hospital

[Harding], a Board approved treatment provider on or about December 17, 1998. Dr. Schneider remained in residential treatment at Harding until discharged, treatment complete, on or about January 25, 1999. Dr. Schneider admitted that he was discharged from Harding with recommendations to attend continuing care at Harding twice weekly. Dr. Schneider admitted that he entered into a Continuing Care Treatment Contract with Harding. Dr. Schneider further agreed that, pursuant to the terms of his May 1999 Step II Consent Agreement, he would submit to random urine screenings for drugs and alcohol on a weekly basis and continue participation in an alcohol and drug rehabilitation program, such as A.A., N.A., Caduceus or any other specific program with prior Board approval, no less than three times per week.

Dr. Schneider also entered into the May 1999 Step II Consent Agreement with the Board in lieu of formal proceedings based upon a violation of Section 4731.22(B)(10). 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 violations of Section 4731.22(B)(10), Ohio Revised Code, "[c]ommission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed." Dr. Schneider admitted that on or about April 19, 1999, he was indicted by the Franklin County Court of Common Pleas for a violation of Section 2925.22, Ohio Revised Code, Deception to Obtain Dangerous Drugs.

- D. Dr. Schneider was released from the probationary terms, conditions and limitations of the May 1999 Step II Consent Agreement by vote of the Board on July 14, 2004.
- E. On November 1, 2004, the Board issued a Notice of Summary Suspension and Opportunity for Hearing to Dr. Schneider, a copy of which is attached hereto and fully incorporated herein.
- F. Dr. Schneider requested an administrative hearing, which was held on November 17-18, 2004. On November 8, 2004, Dr. Schneider filed a Complaint and Motion for Temporary Restraining Order and Preliminary Injunction in the Franklin County Court of Common Pleas before Judge Pfeiffer and Magistrate Skeens (Case No. 04-CVH11-11769). On November 12, 2004, Dr. Schneider also filed an appeal of the Summary Suspension Order in the Franklin County Court of Common Pleas before Judge Schneider (Case No. 04-CV-F11-11921). On December 14, 2004, the action for injunctive relief and the appeal from the Summary Suspension Order were consolidated into one case before Judge Pfeiffer and Magistrate Skeens.
- G. On December 20, 2004, Dr. Schneider entered Parkside Behavioral Healthcare, a Board approved treatment provider under Section 4731.25 of the Revised Code, to

undergo at least twenty-eight days of inpatient treatment for chemical dependency and to be psychiatrically examined by a psychiatrist affiliated with Parkside Behavioral Healthcare.

- H. The Board enters into this Consent Agreement in lieu of further formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in the Notice of Summary Suspension and Opportunity for Hearing issued by the Board on November 1, 2004. The Board 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.
- I. Dr. Schneider's license to practice medicine and surgery in the State of Ohio, License #35-053843, is currently suspended pursuant to the terms of the Order of Summary Suspension issued by the Board on November 1, 2004, referenced in paragraph E, above.
- J. Dr. Schneider states that he does not hold a training certificate nor is he licensed to practice medicine and surgery in any other state or jurisdiction.
- K. Dr. Schneider admits that he relapsed on opiates in or around September 2004. Dr. Schneider further admits that he is impaired from the ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs that impair his ability to practice, in violation of R.C. 4731.22(B)(26), as set forth in the November 1, 2004 Notice of Summary Suspension and Opportunity for Hearing.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, Dr. Schneider knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

- 1. The summary suspension of the certificate to practice medicine and surgery in the State of Ohio of Andrew Schneider, M.D., imposed by the Order of Summary Suspension issued by the Board on November 1, 2004, is hereby terminated. Further, the certificate of Dr. Schneider to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than ninety days.

Sobriety

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

Dismissal of All Court Actions

4. Dr. Schneider agrees to file a Joint Entry in conjunction with the Board to dismiss all court actions pertaining to the November 1, 2004 Order of Summary Suspension and Opportunity for Hearing. The court actions include, but are not limited to, the referenced in Paragraph F, above. The Joint Entry shall be filed no later than ten (10) days after the Board ratifies this Consent Agreement.

Releases; Quarterly Declarations and Appearances

5. Dr. Schneider 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. Schneider's chemical dependency, any psychiatric disorder, or related conditions, or for purposes of complying with this Step I 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. Schneider 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.
6. Dr. Schneider 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.

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

Drug & Alcohol Screens; Supervising Physician

9. Dr. Schneider shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Schneider shall ensure that all screenings 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. Schneider 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 following successful completion of his inpatient treatment for chemical dependency at a Board approved treatment provider, Dr. Schneider shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Schneider 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. Schneider. Dr. Schneider 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. Schneider 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. Schneider must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Schneider 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. Schneider's quarterly declaration. It is Dr. Schneider's responsibility to ensure that reports are timely submitted.

Rehabilitation Program

10. Within thirty days following the effective date of this Consent Agreement, Dr. Schneider 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. Schneider 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. Schneider's quarterly declarations.

Psychiatric Treatment

11. During his inpatient treatment for chemical dependency at a Board approved treatment provider, Dr. Schneider shall be psychiatrically examined by a psychiatrist affiliated with the Board approved treatment provider. In the event that a subsequent psychiatric treatment plan is recommended and/or formulated by the psychiatrist following completion of Dr. Schneider's psychiatric examination, Dr. Schneider shall comply with said subsequent psychiatric treatment plan, in its entirety. Within seven days of the date that a psychiatric treatment plan is recommended and/or formulated, Dr. Schneider shall ensure that a complete copy of the subsequent psychiatric treatment plan is forwarded directly to the Board. Within thirty days of the date that a psychiatric treatment plan is recommended and/or formulated, Dr. Schneider shall submit to the Board for its prior approval the name and qualifications of a psychiatrist of his choice. Upon approval by the Board, Dr. Schneider shall undergo and continue the psychiatric treatment recommended and/or formulated by the Board approved treatment provider. Dr. Schneider shall comply with the psychiatric treatment plan, including taking medications as prescribed and/or ordered for his psychiatric disorder, if any. Dr. Schneider shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the Board on a quarterly basis, or as otherwise directed by the

Board. The psychiatric reports shall contain information describing Dr. Schneider's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Schneider's compliance with his treatment plan; Dr. Schneider's mental status; Dr. Schneider's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. It is Dr. Schneider's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Schneider's quarterly declaration.

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

12. The Board retains the right to require, and Dr. Schneider agrees to submit blood specimens for analysis for medication that may be prescribed for Dr. Schneider's psychiatric disorder, if any, at Dr. Schneider's expense, upon the Board's request and without prior notice. Dr. Schneider's refusal to submit a blood specimen upon request of the Board shall result in a minimum of one year of actual license suspension.

CONDITIONS FOR REINSTATEMENT

13. The Board shall not consider reinstatement of Dr. Schneider's certificate to practice medicine and surgery until all of the following conditions are met:
 - a. Dr. Schneider shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Schneider 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, after the effective date of this Agreement, Dr. Schneider has successfully completed the required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical dependency, as set forth in Rules 4731-16-02(B)(3)(a) and 4731-16-08(A)(13), Ohio

Administrative Code.

- ii. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that, during Dr. Schneider's twenty-eight day inpatient treatment for chemical dependency, Dr. Schneider was also psychiatrically examined by a psychiatrist affiliated with the Board approved treatment provider.
- iii. 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.
- iv. Evidence of continuing full compliance with a psychiatric treatment plan, including but not limited to psychotherapy and prescribed and/or ordered medications, if such treatment plan is recommended and/or formulated by the psychiatrist following completion of the psychiatric examination. Evidence of compliance must be for at least ninety days.

The treatment shall be conducted by a psychiatrist, approved in advance by the Board, who has reviewed Dr. Schneider's psychiatric examination and treatment records, the November 1, 2004, Order of Summary Suspension and Notice of Opportunity for Hearing, and this Step I Consent Agreement, prior to formulating Dr. Schneider's psychiatric treatment plan;

- v. Evidence of continuing full compliance with this Step I Consent Agreement.
- vi. Three written reports indicating that Dr. Schneider's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care.

Two reports shall be made by physicians who are knowledgeable in the area of addictionology and who are either affiliated with a Board approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Schneider. Prior to the assessments, Dr. Schneider shall provide the evaluators with copies of patient records from any evaluation and/or treatment that he has received, a copy of the November 1, 2004 Order of Summary Suspension and Notice of Opportunity for

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

One report shall be made by a psychiatrist indicating that Dr. Schneider has been psychiatrically evaluated and that Dr. Schneider's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care.

Prior to the assessment, Dr. Schneider shall provide the evaluator with copies of his treatment records from the psychiatric examination conducted by the psychiatrist affiliated with a Board approved treatment provider, copies of his treatment records from any psychiatric treatment subsequent to his psychiatric examination, a copy of the November 1, 2004 Order of Summary Suspension and Notice of Opportunity for Hearing, and a copy of this Step I Consent Agreement.

The reports shall describe the basis for the evaluator's determination and shall include a detailed recommended plan of care and treatment, including but not limited to, any psychotherapy and any prescribed and/or ordered medications, that may be required. The report shall also include any recommended conditions, restrictions, or limitations that should be imposed on Dr. Schneider's practice.

The report may be submitted by the psychiatrist who conducted the psychiatric examination of Dr. Schneider or by Dr. Schneider's Board approved treating psychiatrist, in the event that a subsequent psychiatric treatment plan is recommended and/or formulated by the psychiatrist following completion of Dr. Schneider's psychiatric examination.

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. Schneider shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Schneider are unable to agree on the terms of a

written Consent Agreement, then Dr. Schneider further agrees to abide by any terms, conditions and 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. Schneider 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. Schneider has maintained sobriety.

14. In the event that Dr. Schneider 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. Schneider's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

15. Within thirty days of the effective date of this Consent Agreement, Dr. Schneider 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. Schneider 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. Schneider shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
16. Within thirty days of the effective date of this Consent Agreement, Dr. Schneider 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. Schneider 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. Schneider 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. Schneider 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.

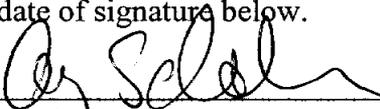
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Schneider 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. Schneider 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.



ANDREW SCHNEIDER, M.D.

1/10/05

DATE



LANCE A. TALMAGE, M.D.
Secretary

1/13/05

DATE



RAYMOND S. ALBERT
Supervising Member

1/12/05

DATE



TARA L. BERRIEN, Esq.
Assistant Attorney General

1/10/05

DATE

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

ANDREW SCHNEIDER, M.D.,
5330 Lakeview Drive
Powell, Ohio 43065

Appellant,

vs.

STATE MEDICAL BOARD OF OHIO,
77 S. High Street, 17th Floor
Columbus, Ohio 43215

Appellee

04CVF 11 1192 1

Case No. _____

Judge _____

STATE MEDICAL BOARD
OF OHIO

2004 NOV 23 PM 12:51

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO

2004 NOV 12 PM 1:12
CLERK OF COURTS-CO

NOTICE OF APPEAL

Notice is hereby given that Appellant Andrew Schneider, M.D. ("Dr. Schneider"), hereby appeals to the Court of Common Pleas of Franklin County, Ohio, from the Entry of Order ("the Order") of Appellee State Medical Board of Ohio ("the Board"), dated November 1, 2004. Appellant's Notice of Appeal, a copy of which is attached hereto and incorporated herein, was filed with the State Medical Board of Ohio on November 12, 2004. A copy of the Order appealed from is attached to the Notice of Appeal as Exhibit "A".

Respectfully submitted,



C. David Paragas (0043908)
Ronald L. House, Jr. (0036752)
Benesch, Friedlander, Coplan
& Aronoff LLP
88 East Broad Street, Suite 900
Columbus, Ohio 43215-3506
Telephone No. (614) 223-9300
Facsimile No. (614) 223-9330
Attorney for Appellant
Andrew Schneider, M.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Appeal was served by telefax and by regular, U. S. mail, postage prepaid upon Tara Berrien, Assistant Attorney General, Ohio Attorney General Health & Human Services, 30 E. Broad Street, 26th Floor, Columbus, Ohio 43215-3428 this 12th day of November, 2004:



Ronald L. House

STATE APPEAL BOARD
OF OHIO
NOV 23 12 51



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • [Web: www.medical.ohio.gov](http://www.medical.ohio.gov)

November 1, 2004

Andrew Schneider, M.D.
5330 Lakeview Drive
Powell, Ohio 43065

Dear Doctor Schneider:

Enclosed please find certified copies of the Entry of Order, the Notice of Summary Suspension and Opportunity for Hearing, and the Motion by the State Medical Board of Ohio made at a conference call on November 1, 2004, scheduled pursuant to Section 4731.22(G), Ohio Revised Code, adopting the Order of Summary Suspension and issuing the Notice of Summary Suspension and Opportunity for Hearing.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate, in violation of Section 4731.41, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing on the matters set forth in the Notice of Summary Suspension and Opportunity for Hearing. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice. Further information concerning such hearing is contained within the Notice of Summary Suspension and Opportunity for Hearing.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.

Lance A. Talmage, M.D., Secretary

LAT:blt
Enclosures

Mailed 11-1-04

CERTIFICATION

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, in a conference call on November 1, 2004, scheduled pursuant to Section 4731.22(G), Ohio Revised Code, to Adopt the Order of Summary Suspension and to Issue the Notice of Summary Suspension and Opportunity for Hearing, constitute true and complete copies of the Motion and Order as they appear in the Journal of the State Medical Board of Ohio.

This certification is made under the authority of the State Medical Board of Ohio and in its behalf.

Lance A. Talmage, M.D.

Lance A. Talmage, M.D., Secretary

(SEAL)

November 1, 2004
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

Andrew Schneider, M.D. :

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 1st day of November, 2004.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Raymond J. Albert, Supervising Member; and

Pursuant to their determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that there is clear and convincing evidence that Andrew Schneider, M.D., has violated Section 4731.22(B)(26), Ohio Revised Code, as alleged in the Notice of Summary Suspension and Opportunity for Hearing which is enclosed herewith and fully incorporated herein; and

Pursuant to their further determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that Dr. Schneider's continued practice presents a danger of immediate and serious harm to the public;

The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 1st day of November, 2004;

It is hereby ORDERED that the certificate of Andrew Schneider, M.D., to practice medicine or surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that Andrew Schneider, M.D., shall immediately close all his medical offices and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.



Lance A. Talmage, M.D., Secretary

November 1, 2004

Date

(SEAL)



State Medical Board of Ohio

7700 E. 17th Ave • Columbus, OH 43215-6127 • (614) 465-3934 • Website: www.state.oh.us/med/

EXCERPT FROM TELECONFERENCE OF NOVEMBER 1, 2004

CONFERENCE CALL OF NOVEMBER 1, 2004 TO CONSIDER THE SUMMARY SUSPENSION OF A CERTIFICATE

ANDREW SCHNEIDER, M.D. – ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

.....

DR. STEINBERGH MOVED TO ENTER AN ORDER OF SUMMARY SUSPENSION IN THE MATTER OF ANDREW SCHNEIDER, M.D., IN ACCORDANCE WITH SECTION 4731.22(G), OHIO REVISED CODE, AND TO ISSUE THE NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING TO DR. SCHNEIDER. DR. DAVIDSON SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Dr. Davidson	- aye
	Dr. Steinbergh	- aye
	Ms. Sloan	- aye

The motion carried.

Ms. Sloan asked Dr. Talmage whether he authorized staff to affix his electronic signature to the order of summary suspension, notice of opportunity for hearing, certification and cover letter in the matter of Andrew Schneider, M.D. in his absence from the Board's office.

Dr. Talmage responded that he does give his authorization.



State Medical Board of Ohio

77 S. High St., 10th Floor • Columbus, OH 43213-6127 • (614) 466-1304 • Website: www.med.ohio.gov

NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

November 1, 2004

Andrew Schneider, M.D.
5330 Lakeview Drive
Powell, Ohio 43065

Dear Doctor Schneider:

The Secretary and the Supervising Member of the State Medical Board of Ohio [Board] have determined that there is clear and convincing evidence that you have violated Section 4731.22(B)(26), Ohio Revised Code, and have further determined that your continued practice presents a danger of immediate and serious harm to the public, as set forth in paragraphs (1) through (4), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Raymond J. Albert, Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your certificate to practice medicine or surgery in the State of Ohio is summarily suspended.

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

- (1) By letter dated September 28, 2004, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(19) and/or Section 4731.22(B)(26), Ohio Revised Code, and ordered you to undergo a three-day inpatient examination to determine if you are in violation of Section 4731.22(B)(19) and/or Section 4731.22(B)(26), Ohio Revised Code. The Board's determination was based upon one or more of the reasons outlined in such letter, which included that on or about January 13, 1999, you entered into a Step I Consent Agreement [Step I Consent Agreement] with the Board in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code. A copy of the Step I Consent Agreement is attached hereto and incorporated herein. Your certificate to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time, but not less than three months.

In the Step I Consent Agreement, you admitted that for a period of approximately three months in 1994, after receiving prescriptions for Lortab from your physician for pain, you wrote prescriptions for Lortab in the name of another person and presented such prescriptions at Columbus area pharmacies to be filled. You further admitted that the Lortab tablets that you obtained by these means were for your own use, and that you regularly used approximately four to six tablets per day during this period.

You further admitted that for a period of approximately four months in or about 1996, you again wrote prescriptions for hydrocodone in the names of others and presented such prescriptions at Columbus area pharmacies to be filled. You further admitted that the hydrocodone tablets that you obtained by these means were for your own use, and that you regularly used approximately four to six tablets per day during this period.

Further, you admitted that in or about 1998, you again wrote prescriptions in the names of others and presented such prescriptions at Columbus area pharmacies to be filled. You further admitted that the hydrocodone tablets that you obtained by these means were for your own use, and that while you regularly used approximately four to six tablets per day, you at times used as many as ten tablets per day during this period. Further you admitted that since in or about 1976, you had been abusing marijuana, using it approximately monthly.

On or about May 12, 1999, after you fulfilled the conditions for reinstatement of your certificate to practice medicine and surgery in the State of Ohio, as established in the Step I Consent Agreement, you entered into a Step II Consent Agreement with the Board in lieu of formal proceedings based upon the violation of Sections 4731.22(B)(26) and (B)(10), Ohio Revised Code. A copy of this May 12, 1999, Step II Consent Agreement [Step II Consent Agreement] is attached hereto and incorporated herein.

In the Step II Consent Agreement, you admitted that you suffered from chemical dependence. You further admitted that you received treatment for your chemical dependence at the Harding Addiction Recovery Center at Harding Hospital, a Board approved treatment provider, from December 17, 1998, through January 25, 1999, at which time you were discharged upon successful completion of treatment with recommendations to attend continuing care at Harding Addiction Recovery Center twice weekly and to submit to random urine screenings for drugs and alcohol on a weekly basis.

You further admitted that on or about April 28, 1999, you reported to the Board that an Indictment had been filed in the Franklin County Court of Common Pleas on or about April 19, 1999, charging that on or about November 29, 1998, you procured prescriptions for and/or the dispensing of Lortab and Bactrim, D.S., in violation of Section 2925.22, Ohio Revised Code, Deception to Obtain Dangerous Drugs. You

stated that the Lortab referenced in the Indictment was obtained for your own use and that you included the Bactrim, D.S., in an attempt to give an appearance of legitimacy to the Lortab prescriptions.

The Step II Consent Agreement reinstated your certificate to practice medicine and surgery in the State of Ohio effective July 1, 1999, and made your certificate subject to probationary terms and conditions, which remained in force for five years. The Agreed conditions included that you abstain completely from the personal use or possession of drugs and alcohol; that you continue in a rehabilitation program; that you maintain compliance with an aftercare contract; that you have a supervising and a monitoring physician; that you keep a log of controlled substances prescribed; and that you not dispense, administer, or possess any controlled substances.

At your request, you were released from the terms of the Step II Consent Agreement by vote of the Board on July 14, 2004.

On September 14, 2004, investigators from the Board interviewed you and your staff at your office. Your staff reported that you failed to arrive for work on Labor Day, September 6, 2004, and in your office, they found a suicide note from you, which they then delivered to your wife. The staff further reported that on September 6, 2004, they discovered that thirty vials of expired Morphine were missing from the controlled substance stock. In your interview with the Board investigators, you said that you drove to Chattanooga, Tennessee, on September 5, 2004, for reflection and that the local police contacted you because your wife filed a missing person/suicidal report. The local police found you to be stable and released you. After your return to Columbus, Ohio, you were taken to the Delaware County Jail for a mental health evaluation on September 9, 2004. Central Ohio Mental Health conducted the evaluation and found you to be stable and released you.

On September 14, 2004, you further told the Board investigators that you did not know what happened to the missing morphine, that you did not take it and that a drug addict would not take Morphine. The Board investigators observed that you appeared to be intoxicated, your eyes were glassy, your nose was running, you had difficulty keeping your head upright and your eyes open, and your speech and thought process were compromised. Further, you reported to the Board investigators that you had diarrhea. The Board investigators requested that you provide a urine sample. In preparing to submit the sample, you removed your socks and shoes, rolled up your pant legs, removed items from your pockets, overturned the trashcan, knocked items off the sink, and said that you did not have urine hidden in the bathroom. The Board investigator handed the specimen cup to you, and you attempted to shut the door. The Board investigator advised you that the submission of the sample must be observed. You then responded by saying that this is a violation of your civil liberties and that the investigator was not a health care professional. Due to your erratic behavior and your refusal to submit a witnessed urine screen, the Board investigators left the office. Holding an unsealed cup of

urine, you pursued the investigators into the parking lot in your bare feet and attempted to have them accept it as a urine sample.

Later in the day of September 14, 2004, a detective with the Columbus Police Department contacted the Board investigators and reported that you wanted to submit a urine sample to the detective. At the police station, before you submitted the urine specimen, you reported to the detective that you had legitimate prescriptions for Percocet and Valium. You also reported that you received these prescriptions from your treating physician for treatment of lower back pain. Your treating physician reported that you said that in 2002 you had undergone a Laminectomy. The investigators confirmed with Mount Carmel East Hospital in Columbus, Ohio, that you had undergone a lumbar disc placement in 2002.

- (2) By letter dated October 18, 2004, from Dr. Richard Whitney, Medical Director of Shepherd Hill Hospital, a Board approved treatment provider, the Board was notified that following the Board ordered evaluation conducted from October 11, 2004, to October 14, 2004, Dr. Whitney determined that there is a high likelihood that you have returned to the use of mood altering drugs, that you are unable to practice medicine according to acceptable and prevailing standards of care, and that you require additional treatment for chemical dependence at a Board approved facility with the capability of assessing your psychiatric status.
- (3) To date, you have not received the recommended/required treatment and entered into an aftercare contract with a Board approved treatment provider. In addition, the Board has not received information that you have been determined to be capable of practicing in accordance with acceptable and prevailing standards of care.
- (4) Section 4731.22(B)(26), Ohio Revised Code, provides that if the Board determines that an individual's ability to practice is impaired, the Board shall suspend the individual's certificate and shall require the individual, as a condition for continued, reinstated, or renewed certification to practice, to submit to treatment and, before being eligible to apply for reinstatement, to demonstrate to the Board the ability to resume practice in compliance with acceptable and prevailing standards of care, including completing required treatment, providing evidence of compliance with an aftercare contract or written consent agreement, and providing written reports indicating that the individual's ability to practice has been assessed by individuals or providers approved by the Board and that the individual has been found capable of practicing according to acceptable and prevailing standards of care.

Further, Rule 4731-16-02(B)(3), Ohio Administrative Code, provides that if an examination discloses impairment, or if the Board has other reliable, substantial and probative evidence demonstrating impairment, the Board shall initiate proceedings to suspend the licensee. The Board also may issue an order of summary suspension as provided in Section 4731.22(G), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (4) above, individually and/or collectively, constitute “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,” as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink that reads "Lance A. Talmage, M.D." The signature is written in a cursive style.

Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5143 7834
RETURN RECEIPT REQUESTED

**CONSENT AGREEMENT
BETWEEN
ANDREW SCHNEIDER, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between ANDREW SCHNEIDER, M.D., (hereinafter DOCTOR SCHNEIDER), and THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

DOCTOR SCHNEIDER 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, or 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)(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 Section 4731.22(B)(10), Ohio Revised Code, "[c]ommission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed."
- B. DOCTOR SCHNEIDER's certificate to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time, but not less than three months, pursuant to the terms of the January 13, 1999, Step I Consent Agreement between ANDREW SCHNEIDER, M.D., and the BOARD (hereinafter January 1999 Step I Consent Agreement), a copy of which is attached hereto and fully incorporated herein. DOCTOR SCHNEIDER's certificate to practice medicine and surgery in the State of Ohio remains suspended to date.

STEP II CONSENT AGREEMENT

ANDREW SCHNEIDER, M.D.

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- C. The BOARD enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraph E of the January 1999 Step I Consent Agreement, and the violation of Section 4731.22(B)(10), Ohio Revised Code, as set forth in Paragraph E of the January 1999 Step I Consent Agreement and in Paragraph H of this CONSENT AGREEMENT. The BOARD 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.
- D. DOCTOR SCHNEIDER ADMITS that he suffers from chemical dependence. DOCTOR SCHNEIDER further ADMITS that he received treatment for his chemical dependence at the Harding Addiction Recovery Center at Harding Hospital, a BOARD approved treatment provider, from December 17, 1998, through January 25, 1999, at which time he was discharged upon successful completion of treatment with recommendations to attend continuing care at Harding Addiction Recovery Center twice weekly and to submit to random urine screenings for drugs and alcohol on a weekly basis.
- E. DOCTOR SCHNEIDER further ADMITS that he entered into a Continuing Care Treatment Contract with the Harding Addiction Recovery Center, effective January 28, 1999, and further ADMITS that such contract remains in effect to date. DOCTOR SCHNEIDER STATES, and the BOARD ACKNOWLEDGES receipt of information to support, that he has remained fully compliant with his Continuing Care Treatment Contract with the Harding Addiction Recovery Center.
- F. DOCTOR SCHNEIDER STATES, and the BOARD ACKNOWLEDGES, that Larry W. Simpson, M.D., and Gayle L. Diehl, L.S.W., CCDCCIII-E, of Harding Hospital in Worthington, Ohio, a BOARD approved treatment provider, and Mark Hurst, M.D., of Central Ohio Behavioral Medicine in Columbus, Ohio, have provided written reports indicating that DOCTOR SCHNEIDER'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.
- G. DOCTOR SCHNEIDER STATES, and the BOARD ACKNOWLEDGES, that DOCTOR SCHNEIDER has fulfilled the conditions for reinstatement of his certificate to practice medicine and surgery in the State of Ohio, as established in the January 1999 Step I Consent Agreement.

STEP II CONSENT AGREEMENT

ANDREW SCHNEIDER, M.D.

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- H. DOCTOR SCHNEIDER ADMITS that, on or about April 28, 1999, he reported to the BOARD that an Indictment had been filed in the Franklin County Court of Common Pleas on or about April 19, 1999, charging that on or about November 29, 1998, DOCTOR SCHNEIDER procured prescriptions for and/or the dispensing of Lortab and Bactrim, D.S., in violation of Section 2925.22, Ohio Revised Code, Deception to Obtain Dangerous Drugs. DOCTOR SCHNEIDER STATES that the Lortab referenced in the Indictment was obtained for his own use and is included amongst those drugs referenced at Paragraph E of the January 1999 Step I Consent Agreement, and that he included the Bactrim, D.S., in attempt to give an appearance of legitimacy to the Lortab prescriptions.
- I. DOCTOR SCHNEIDER STATES that on or about April 29, 1999, he was offered a position in the Family Practice Residency Program at Grant Hospital in Columbus, Ohio. DOCTOR SCHNEIDER further STATES that he has accepted such residency position, contingent upon his certificate to practice medicine and surgery in the State of Ohio being reinstated on July 1, 1999, in accordance with the terms of this CONSENT AGREEMENT. DOCTOR SCHNEIDER further STATES that such residency program is scheduled to begin on July 1, 1999.

AGREED CONDITIONS

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

SUSPENSION OF CERTIFICATE

1. The certificate of DOCTOR SCHNEIDER to practice medicine and surgery in the State of Ohio shall remain SUSPENDED until July 1, 1999.

INTERIM MONITORING

2. During the period that DOCTOR SCHNEIDER's certificate to practice medicine and surgery in the State of Ohio is suspended, DOCTOR SCHNEIDER shall comply with the following terms, conditions and limitations:
 - A. DOCTOR SCHNEIDER shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio. Further, DOCTOR

SCHNEIDER shall obey all terms, including probationary terms, imposed by the Court in criminal case number 99-CR-2026;

- B. DOCTOR SCHNEIDER 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 or before July 1, 1999. Subsequent quarterly declarations must be received in the BOARD's offices on or before the first day of every third month;
- C. DOCTOR SCHNEIDER shall appear in person for interviews before the BOARD or its designated representative. The first interview shall occur in July 1999, or as otherwise directed by the BOARD, and subsequent interviews shall occur quarterly, or as otherwise directed by the BOARD.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR SCHNEIDER written notification of scheduled appearances, it is DOCTOR SCHNEIDER's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR SCHNEIDER shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

MONITORING OF REHABILITATION AND TREATMENT

Sobriety

- D. DOCTOR SCHNEIDER 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 DOCTOR SCHNEIDER's history of chemical dependency;
- E. DOCTOR SCHNEIDER shall abstain completely from the use of alcohol;

Drug and Alcohol Screens/Supervising Physician

F. DOCTOR SCHNEIDER shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR SCHNEIDER 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;

DOCTOR SCHNEIDER shall submit the required urine specimens to his designated supervising physician, Larry Simpson, M.D. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results;

DOCTOR SCHNEIDER shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, verifying whether all urine screens have been conducted in compliance with this CONSENT AGREEMENT, whether all urine screenings have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities;

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR SCHNEIDER must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR SCHNEIDER shall further ensure that the previously designated supervising physician also notifies the BOARD directly of the 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 DOCTOR SCHNEIDER's quarterly declaration. It is DOCTOR SCHNEIDER's responsibility to ensure that reports are timely submitted;

G. The BOARD retains the right to require, and DOCTOR SCHNEIDER agrees to submit, blood or urine specimens for analysis at DOCTOR SCHNEIDER's expense upon the BOARD's request and without prior notice. DOCTOR SCHNEIDER'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;

Rehabilitation Program

- H. DOCTOR SCHNEIDER shall continue to participate in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, no less than three (3) times per week. Substitution of any other specific program must receive prior BOARD approval;

DOCTOR SCHNEIDER shall submit with each quarterly declaration required under sub-paragraph B of paragraph 2 of this CONSENT AGREEMENT acceptable documentary evidence of continuing compliance with this program;

Aftercare

- I. DOCTOR SCHNEIDER 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;

Releases

- J. DOCTOR SCHNEIDER 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;

Monitoring Physician

- K. On or before May 24, 1999, DOCTOR SCHNEIDER shall submit for the BOARD's prior approval the name of a monitoring physician, who, upon the reinstatement of DOCTOR SCHNEIDER's certificate to practice medicine and surgery in the State of Ohio, shall review DOCTOR SCHNEIDER's patient charts and shall submit a written report of such review to the BOARD on a quarterly basis. Such chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the BOARD. It shall be DOCTOR SCHNEIDER's responsibility to ensure that the monitoring physician's quarterly reports are submitted to the BOARD on a timely basis;

Further, the monitoring physician shall otherwise monitor DOCTOR SCHNEIDER and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR SCHNEIDER shall ensure that

such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR SCHNEIDER must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR SCHNEIDER shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore;

All monitoring physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR SCHNEIDER's quarterly declaration. It is DOCTOR SCHNEIDER's responsibility to ensure that reports are timely submitted;

PROBATIONARY CONDITIONS

3. Upon reinstatement, DOCTOR SCHNEIDER's certificate to practice medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions and limitations for a minimum of five (5) years:
 - A. DOCTOR SCHNEIDER shall continue to be subject to the terms, conditions and limitations specified in sub-paragraphs A through K of paragraph 2 of this CONSENT AGREEMENT.

Drug Associated Restrictions

- B. DOCTOR SCHNEIDER shall keep a log of all controlled substances prescribed. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR SCHNEIDER's personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD;
- C. DOCTOR SCHNEIDER shall not, without prior Board approval, administer, dispense, or possess (except as allowed under Paragraph 2D above) 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 DOCTOR SCHNEIDER to administer or dispense controlled substances, DOCTOR SCHNEIDER shall keep a log of all controlled substances prescribed, administered or dispensed. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR SCHNEIDER's personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD;

- D. DOCTOR SCHNEIDER shall refrain from self-treating and from treating family members, except in the event of a life-threatening emergency;

Tolling Provisions

- E. In the event that DOCTOR SCHNEIDER should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR SCHNEIDER must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed;
- F. In the event DOCTOR SCHNEIDER 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;

Required Reporting by Licensee

4. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR SCHNEIDER shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR SCHNEIDER shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the chief of staff at each hospital where he applies for or obtains privileges or appointments; and,
5. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR SCHNEIDER 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 a license to practice. DOCTOR SCHNEIDER 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 licensure or reinstatement of licensure. Further, DOCTOR SCHNEIDER shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

FAILURE TO COMPLY

6. Any violation of sub-paragraph D or E of paragraph 2 of this CONSENT AGREEMENT shall constitute grounds to revoke or permanently revoke DOCTOR SCHNEIDER's certificate. DOCTOR SCHNEIDER agrees that the minimum discipline for such a violation shall include actual license suspension. This paragraph does not limit the BOARD's authority to suspend, revoke or permanently revoke DOCTOR SCHNEIDER's certificate based on other violations of this CONSENT AGREEMENT.
7. DOCTOR SCHNEIDER AGREES that if any declaration or report required by this agreement is not received in the BOARD's offices on or before its due date, DOCTOR SCHNEIDER shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD's offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.
8. DOCTOR SCHNEIDER AGREES that if, without prior permission from the BOARD, he fails to submit to random screenings for drugs and alcohol at least as frequently as required by sub-paragraph F of paragraph 2 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the violation and shall refrain from practicing for thirty (30) days for the first instance of a single missed screen. In the event that such violation occurs during the period of suspension, DOCTOR SCHNEIDER's period of refraining from practice for reason of such violation shall begin on July 1, 1999, or the date of receipt of notice of the violation, whichever comes later. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.
9. DOCTOR SCHNEIDER AGREES that if he fails to participate in an alcohol and drug rehabilitation program at least as frequently as required by sub-paragraph H of paragraph 2 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the violation, and shall refrain from practicing for fifteen (15) days for the first instance of a missed meeting. In the event that such violation occurs during the period of suspension, DOCTOR SCHNEIDER's period of refraining from practice for reason of such violation shall begin on July 1, 1999, or the date of receipt of notice of the violation, whichever comes later. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

STEP II CONSENT AGREEMENT

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If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR SCHNEIDER 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 DOCTOR SCHNEIDER has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR SCHNEIDER 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

This CONSENT AGREEMENT shall remain in force for a minimum of five (5) years following reinstatement of DOCTOR SCHNEIDER's certificate to practice medicine and surgery in the State of Ohio prior to any request for termination of said CONSENT AGREEMENT. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

ACKNOWLEDGMENTS/LIABILITY RELEASE

DOCTOR SCHNEIDER acknowledges that he has had an opportunity to ask questions concerning the terms of this CONSENT AGREEMENT and that all questions asked have been answered in a satisfactory manner.

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

DOCTOR SCHNEIDER hereby releases the BOARD, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

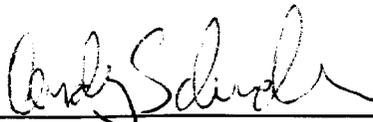
This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

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 that it shall become effective upon the last date of signature below.

TERMINATION OF PRIOR CONSENT AGREEMENT

The January 1999 Step I Consent Agreement between DOCTOR SCHNEIDER and the BOARD shall be terminated upon the last date of signature below, concurrent with this CONSENT AGREEMENT becoming effective.



ANDREW SCHNEIDER, M.D.

5/6/99

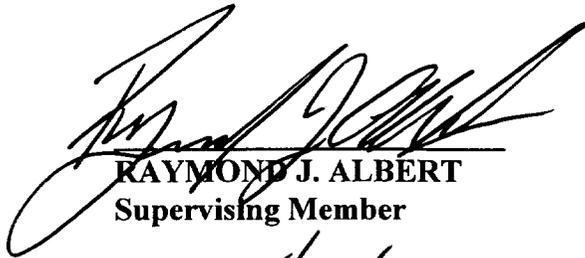
DATE



ANAND G. GARG, M.D.
Secretary

5/12/99

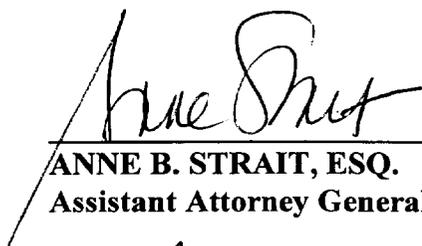
DATE



RAYMOND J. ALBERT
Supervising Member

5/12/99

DATE



ANNE B. STRAIT, ESQ.
Assistant Attorney General

5/12/99

DATE

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

This CONSENT AGREEMENT is entered into by and between ANDREW SCHNEIDER, M.D., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

ANDREW SCHNEIDER, M.D., 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 STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(26), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraph E. below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. ANDREW SCHNEIDER, M.D., is licensed to practice medicine and surgery in the State of Ohio.
- D. ANDREW SCHNEIDER, M.D., STATES that he is licensed to practice medicine and surgery only in the State of Ohio.

- E. ANDREW SCHNEIDER, M.D., ADMITS that for a period of approximately three months in or about 1994, after receiving prescriptions for Lortab (hydrocodone bitartrate) from his physician for pain related to kidney stones, he wrote prescriptions for Lortab, a schedule III controlled substance, in the name of another person and presented such prescriptions at Columbus area pharmacies to be filled. DOCTOR SCHNEIDER further ADMITS that the Lortab tablets that he obtained by these means were for his own use, and that he regularly used approximately four to six tablets per day during this period.

Further, DOCTOR SCHNEIDER ADMITS that for a period of approximately four months in or about 1996, following his father's death, he again wrote prescriptions for hydrocodone, a schedule III controlled substance, in the names of others and presented such prescriptions at Columbus area pharmacies to be filled. DOCTOR SCHNEIDER further ADMITS that the hydrocodone tablets that he obtained by these means were for his own use, and that he regularly used approximately four to six tablets per day during this period.

Further, DOCTOR SCHNEIDER ADMITS that in or about 1998 he again wrote prescriptions in the names of others and presented such prescriptions at Columbus area pharmacies to be filled. DOCTOR SCHNEIDER further ADMITS that the hydrocodone tablets that he obtained by these means were for his own use, and that while he regularly used approximately four to six tablets per day, he at times used as many as ten tablets per day during this period.

Further, DOCTOR SCHNEIDER ADMITS that since in or about 1976 he has been abusing marijuana, using it approximately monthly, and that he used psilocybin, also known as "mushrooms", a hallucinogenic substance, on one or two occasions in or about the late-1970's.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, ANDREW SCHNEIDER, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

1. The certificate of DOCTOR SCHNEIDER to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than three (3) months;

Sobriety

2. DOCTOR SCHNEIDER 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 DOCTOR SCHNEIDER's history of chemical dependency;
3. DOCTOR SCHNEIDER shall abstain completely from the use of alcohol;

Releases; Quarterly Declarations and Appearances

4. DOCTOR SCHNEIDER 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 DOCTOR SCHNEIDER's chemical dependency or related conditions, or for purposes of complying with the 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. DOCTOR SCHNEIDER 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. DOCTOR SCHNEIDER 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 the 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. DOCTOR SCHNEIDER shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR SCHNEIDER written notification of scheduled appearances, it is DOCTOR SCHNEIDER's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR SCHNEIDER shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

Drug & Alcohol Screens; Supervising Physician

7. DOCTOR SCHNEIDER shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR SCHNEIDER 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 (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR SCHNEIDER shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR SCHNEIDER shall submit the required urine specimens. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results;

DOCTOR SCHNEIDER shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, 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 responsibilities;

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR SCHNEIDER must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR SCHNEIDER shall further ensure that the previously designated

supervising physician also notifies the BOARD directly of the 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 DOCTOR SCHNEIDER's quarterly declaration. It is DOCTOR SCHNEIDER's responsibility to ensure that reports are timely submitted;

CONDITIONS FOR REINSTATEMENT

8. The BOARD shall not consider reinstatement of DOCTOR SCHNEIDER's certificate to practice medicine and surgery unless and until all of the following conditions are met:
 - a. DOCTOR SCHNEIDER shall submit an application for reinstatement, accompanied by appropriate fees, if any;
 - b. DOCTOR SCHNEIDER 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 DOCTOR SCHNEIDER has successfully completed any required inpatient treatment;
 - ii. Evidence of continuing full compliance with an aftercare contract or consent agreement;
 - iii. Two written reports indicating that DOCTOR SCHNEIDER's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the BOARD for making such assessments and shall describe the basis for this determination.
 - c. DOCTOR SCHNEIDER shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the BOARD or, if the BOARD and DOCTOR SCHNEIDER are unable to agree on the terms of a written CONSENT AGREEMENT, then DOCTOR SCHNEIDER 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 DOCTOR SCHNEIDER'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 and, upon termination of the consent agreement or Board Order, submission to the BOARD for at least two years of annual progress reports made under penalty of BOARD disciplinary action or criminal prosecution stating whether DOCTOR SCHNEIDER has maintained sobriety.

9. In the event that DOCTOR SCHNEIDER 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 DOCTOR SCHNEIDER's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

10. Within thirty (30) days of the effective date of this Agreement, DOCTOR SCHNEIDER 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 a license to practice. DOCTOR SCHNEIDER 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 licensure or reinstatement of licensure. Further, DOCTOR SCHNEIDER shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.
11. Within thirty (30) days of the effective date of this Agreement, DOCTOR SCHNEIDER shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where he has 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 STATE MEDICAL BOARD OF OHIO, DOCTOR SCHNEIDER appears to have violated or breached any term or condition of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

ACKNOWLEDGMENTS/LIABILITY RELEASE

DOCTOR SCHNEIDER acknowledges that he has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner.

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

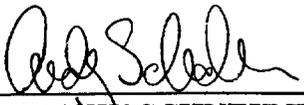
DOCTOR SCHNEIDER hereby releases THE STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

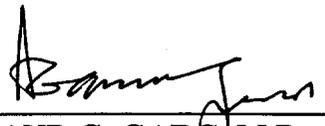
Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

EFFECTIVE DATE

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



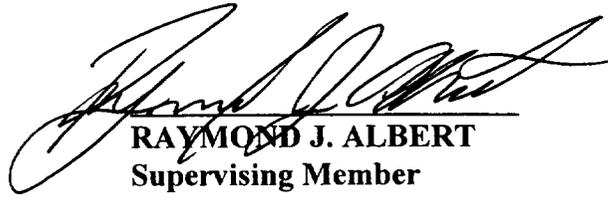
ANDREW SCHNEIDER, M.D.



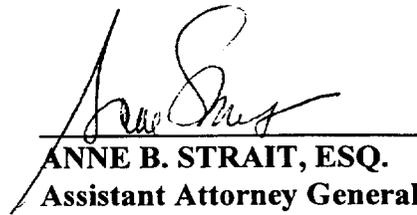
ANAND G. GARG, M.D.
Secretary

12/16/98
DATE

1/13/99
DATE


RAYMOND J. ALBERT
Supervising Member

1/13/99
DATE


ANNE B. STRAIT, ESQ.
Assistant Attorney General

1/13/99
DATE