

2007 NOV 13 P 4: 36

**PROBATIONARY
CONSENT AGREEMENT
BETWEEN
ASHRAF SOLIMAN BADOUR, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Badour 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)(19), 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 by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(19), Ohio Revised Code, as set forth in Paragraphs E and F, below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.
- C. Dr. Badour is licensed to practice medicine and surgery in the State of Ohio, License # 35.055004.
- D. Dr. Badour states that he is also licensed to practice medicine and surgery in the State of West Virginia.
- E. Dr. Badour admits that on or about May 22, 2007, he was arrested in Hancock County, West Virginia, and charged with Fleeing an Officer and Reckless Driving. Dr. Badour further admits that on or about May 23, 2007, in Martins Ferry, Ohio, he

was arrested and charged with Assault, Obstructing Official Business, and Resisting Arrest. Dr. Badour admits that on or about June 20, 2007, as a result of his arrest in Martins Ferry, Ohio, the Belmont County Court, Northern Division, modified its Order dated June 6, 2007, and ordered the Belmont County Sheriff's Department to transport him to the Appalachian Behavioral Healthcare Center in Cambridge, Ohio, for emergency treatment for at least ninety days. Dr. Badour states that the aforementioned arrests were the result of actions that occurred when he was in a manic phase, and that he was diagnosed with Bipolar Disorder while at the Appalachian Behavioral Healthcare Center.

- F. Dr. Badour admits that on or about September 12, 2007, pursuant to Board order, he was assessed by Stephen G. Noffsinger, M.D., a physician who has been approved by the Board to provide an evaluation of Dr. Badour, to determine whether he is in violation of Section 4731.22(B)(19), Ohio Revised Code. Dr. Badour further admits that such evaluation resulted in a determination that, although he was unable to practice medicine according to acceptable and prevailing standards of care during his manic episode in the spring of 2007, he is currently capable of practicing medicine according to acceptable and prevailing standards of care, subject to certain conditions. Dr. Badour further admits that Dr. Noffsinger diagnosed him with Bipolar Disorder, Most Recent Episode Manic, in Partial Remission, based, in part, on Dr. Badour's history of occasional, intermittent mild depressive and hypomanic episodes; and the full manic episode that Dr. Badour experienced during the spring of 2007 that included symptoms of decreased need for sleep, decreased appetite with weight loss, increased energy, rapid pressured speech, spending sprees, and psychotic symptoms of religious and paranoid delusions. Dr. Badour admits that Dr. Noffsinger recommended the following: that Dr. Badour receive outpatient psychiatric treatment by a Board-approved psychiatrist, consisting of, at a minimum, one-half hour of medication management every two weeks; that Dr. Badour continue to receive a mood stabilizing medication to prevent further mood episodes; that Dr. Badour comply with all other medications recommended and prescribed by his treating psychiatrist; that Dr. Badour periodically have his blood level of mood stabilizing medication checked, if he is prescribed Lithium, Depakote, or Tegretol, as coordinated by his treating psychiatrist, to ensure continued compliance with his medications; that Dr. Badour authorize his treating psychiatrist to submit regular written updates to the Board; and that Dr. Badour refrain from use of any illicit substances and undergo random urine toxicology screens, as prescribed by his treating psychiatrist.

AGREED CONDITIONS

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

1. Dr. Badour shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Badour shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Badour shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. In the event Dr. Badour 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 AND TREATMENT

Monitoring Physician

5. Within thirty days of the effective date of this Consent Agreement, Dr. Badour 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. Badour and who is engaged in the same or similar practice specialty.

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

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

Psychiatric Treatment

6. Within thirty days of the effective date of this Consent Agreement, Dr. Badour 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. Badour shall undergo and continue psychiatric treatment at least once every 2 weeks or as otherwise directed by the Board. Dr. Badour shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his psychiatric disorder. Dr. Badour 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. Badour's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Badour's compliance with his treatment plan; Dr. Badour's mental status; Dr. Badour's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Badour shall ensure that his treating psychiatrist immediately notifies the Board of his failure to comply with his psychiatric treatment plan and/or any determination that Dr. Badour is unable to practice due to his psychiatric disorder. It is Dr. Badour's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Badour's quarterly declaration.

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

Drug and Alcohol Screens

7. The Board retains the right to require, and Dr. Badour agrees to submit, blood or urine specimens for screenings for drugs and alcohol, for analysis of therapeutic levels of

medications that may be prescribed for Dr. Badour, or for any other purpose, at Dr. Badour's expense, and upon the Board's request and without prior notice. Dr. Badour'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.

Releases

8. Dr. Badour 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. Badour's psychiatric conditions or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Badour 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.

Required Reporting by Licensee

9. Within thirty days of the effective date of this Consent Agreement, Dr. Badour 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. Badour 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.
10. Within thirty days of the effective date of this Consent Agreement, Dr. Badour 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. Badour 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. Badour shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
11. Dr. Badour shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Badour psychiatric treatment or monitoring.

FAILURE TO COMPLY

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

DURATION/MODIFICATION OF TERMS

Dr. Badour shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Badour shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Badour 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. Badour 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. Badour 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.



ASHRAF SOLIMAN BADOUR, M.D.



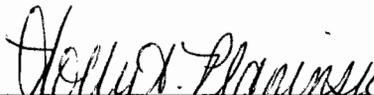
LANCE A. TALMAGE, M.D.
Secretary

11-8-2007

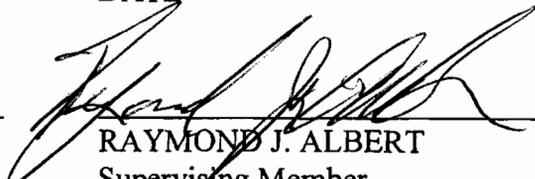
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11-14-07

DATE



HOLLY S. PLANINSIC
Attorney for Dr. Badour



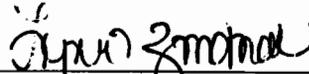
RAYMOND J. ALBERT
Supervising Member

November 8 2007

DATE

11/15/07

DATE



LYNN ZONDORAK
Enforcement Attorney

11-14-2007

DATE