

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :  
:  
BRIAN YOUNG, M.D. :

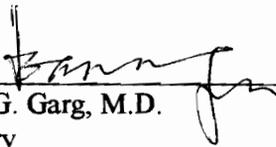
**ENTRY OF ORDER**

On May 7, 2002, Brian Young, M.D. executed a Voluntary Surrender of his Certificate to practice medicine and surgery in the State of Ohio with a consent to revocation, which document is attached hereto and fully incorporated herein.

In consideration of the foregoing and of Dr. Young's express waiver of the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board members vote to revoke said certificate, it is hereby ORDERED that Certificate No. 35-055268 authorizing Brian Young, M.D., to practice medicine be permanently REVOKED, effective May 7, 2002.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 7th day of May, 2002, and the original thereof shall be kept with said Journal.

(SEAL)

  
\_\_\_\_\_  
Anand G. Garg, M.D.  
Secretary

\_\_\_\_\_  
May 7, 2002  
Date

**STATE OF OHIO  
THE STATE MEDICAL BOARD  
SURRENDER OF CERTIFICATE  
TO PRACTICE MEDICINE AND SURGERY**

I, Brian Young, M.D., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, Brian Young, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, # 35-055268, to the State Medical Board of Ohio, thereby relinquishing all rights to practice medicine and surgery in Ohio.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery, # 35-055268, or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, on or after the date of signing this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I stipulate and agree that I am taking the action described herein in lieu of continuing compliance with the terms of the Step I Consent Agreement into which I entered with the Board in February 2001, a copy of which is attached hereto and incorporated herein.

I, Brian Young, M.D., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document 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. I, Brian Young, M.D., agree to provide my social security number to the Board and hereby authorize the Board to utilize that number in conjunction with that reporting.

Surrender of Certificate  
Brian Young, M.D.  
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Signed this 7<sup>th</sup> day of May, 2002.

Brian Young  
Brian Young, M.D.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

Sworn to and subscribed before me this 7<sup>th</sup> day of May, 2002.



MARCIE P. BURROW  
Notary Public, State of Ohio  
My Commission Has No Expiration Date  
Section 147.03 R.C.

Marcie Burrow  
Notary Public

SEAL OF STATE OF OHIO (This form must be either witnessed OR notarized)

Accepted by the State Medical Board of Ohio:

Anand G. Garg  
ANAND G. GARG, M.D.  
SECRETARY

Raymond J. Albert  
RAYMOND J. ALBERT  
SUPERVISING MEMBER

05/07/02  
DATE

5/7/02  
DATE

FEB 13 2001

**STEP I**  
**CONSENT AGREEMENT**  
**BETWEEN**  
**BRIAN W. YOUNG, M.D.**  
**AND**  
**THE STATE MEDICAL BOARD OF OHIO**

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

BRIAN W. YOUNG, 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 Paragraphs E, F, and G below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. BRIAN W. YOUNG, M.D. is licensed to practice medicine and surgery in the State of Ohio.
- D. BRIAN W. YOUNG, M.D. STATES that he is not licensed to practice medicine and surgery in any other State or jurisdiction.

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STEP I CONSENT AGREEMENT  
BRIAN W. YOUNG, M.D.  
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- E. BRIAN W. YOUNG, M.D. ADMITS that he has been diagnosed as alcohol dependent. DOCTOR YOUNG further ADMITS that he began abusing alcohol in or about 1992 and that his drinking escalated during the period from 1998 to 2000.
- F. BRIAN W. YOUNG, M.D. further ADMITS that while working in the emergency room, on May 12, 2000, at Brown County General Hospital, a nurse reported an odor of alcohol on his breath. DOCTOR YOUNG further ADMITS that he thereafter submitted to a breathalyzer test at the hospital, with the results showing his blood alcohol content to be 0.08%.

DOCTOR YOUNG further ADMITS that subsequently, in or about July 2000, he entered a six-week, outpatient treatment program for alcohol abuse at Bethesda Hospital in Cincinnati, Ohio, a BOARD approved treatment provider. DOCTOR YOUNG STATES that he maintained his sobriety from in or about May 2000 to December 2000.

- G. BRIAN W. YOUNG, M.D. further ADMITS that on December 13, 2000, he was called by the hospital to report to the emergency room to work an unscheduled shift. DOCTOR YOUNG further ADMITS that, once again, a nurse detected alcohol on his breath, and that he then submitted to another breathalyzer test at the hospital, with the results showing his blood alcohol content to be 0.02%. DOCTOR YOUNG further ADMITS that on December 15, 2000, he resigned his privileges at Brown County General Hospital while he was being investigated by the hospital related to the matters described herein.

DOCTOR YOUNG further ADMITS that he reported his relapse and related matters to Roberto Soria, M.D., at Bethesda Hospital, and, that he subsequently received inpatient treatment for alcohol dependence at Glenbeigh Health Sources in Rock Creek, Ohio, a BOARD approved treatment provider, from January 9, 2001, to February 6, 2001, at which time he was discharged upon successful completion of treatment. DOCTOR YOUNG STATES that he has entered into an aftercare contract with Glenbeigh Health Sources and that he has contacted the Ohio Physicians Effectiveness Program.

#### **AGREED CONDITIONS**

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

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## SUSPENSION OF CERTIFICATE

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

### Sobriety

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

### Releases; Quarterly Declarations and Appearances

4. DOCTOR YOUNG 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 YOUNG'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 YOUNG 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 YOUNG 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;

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6. DOCTOR YOUNG 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 YOUNG written notification of scheduled appearances, it is DOCTOR YOUNG'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 YOUNG shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

Drug & Alcohol Screens; Supervising Physician

7. DOCTOR YOUNG shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR YOUNG 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 YOUNG shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR YOUNG 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 DOCTOR YOUNG. 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 YOUNG 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;

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

#### **CONDITIONS FOR REINSTATEMENT**

8. The BOARD shall not consider reinstatement of DOCTOR YOUNG's certificate to practice medicine and surgery unless and until all of the following conditions are met:
  - a. DOCTOR YOUNG shall submit an application for reinstatement, accompanied by appropriate fees, if any;
  - b. DOCTOR YOUNG 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 YOUNG 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 YOUNG'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.

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- c. DOCTOR YOUNG shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the BOARD or, if the BOARD and DOCTOR YOUNG are unable to agree on the terms of a written CONSENT AGREEMENT, then DOCTOR YOUNG 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 YOUNG'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 YOUNG has maintained sobriety.

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

#### **REQUIRED REPORTING BY LICENSEE**

10. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR YOUNG shall provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. DOCTOR YOUNG further agrees to provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, DOCTOR YOUNG 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 CONSENT AGREEMENT, DOCTOR YOUNG shall provide a copy of this CONSENT

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AGREEMENT to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR YOUNG 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, DOCTOR YOUNG 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**

DOCTOR YOUNG 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 YOUNG 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.

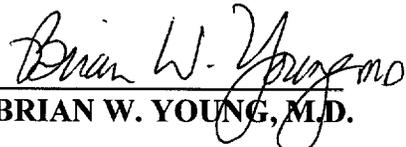
This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

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

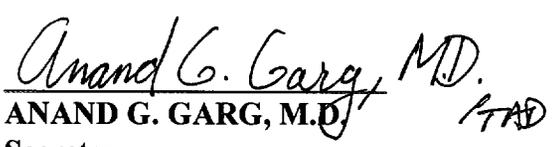
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**EFFECTIVE DATE**

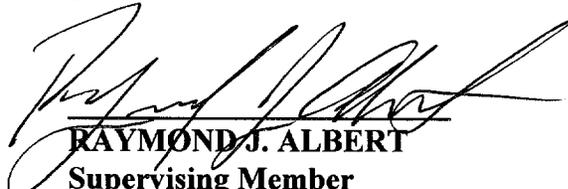
It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
**BRIAN W. YOUNG, M.D.**

2/12/01  
**DATE**

  
**ANAND G. GARG, M.D.** *STAD*  
**Secretary**

2/14/01  
**DATE**

  
**RAYMOND J. ALBERT**  
**Supervising Member**

2/14/01  
**DATE**

  
**ANNE B. STRAIT, ESQ.**  
**Assistant Attorney General**

2/14/01  
**DATE**