

CONSENT AGREEMENT
BETWEEN
BENJAMIN DOWLING CARAWAY, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

OCT 19 1988

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

BENJAMIN DOWLING CARAWAY, M.D. enters into this 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.

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), 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) 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. BENJAMIN DOWLING CARAWAY, M.D. ADMITS that he suffered from a substance abuse problem with Cocaine.
- D. BENJAMIN DOWLING CARAWAY, M.D. ADMITS that he entered treatment on October 5, 1987 at St. Mary of the Plains Hospital, Lubbock, Texas and completed the inpatient program on November 9, 1987.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, it is hereby agreed, by and between the parties, that the STATE MEDICAL BOARD (hereinafter BOARD) shall issue a license to practice medicine and surgery to BENJAMIN DOWLING CARAWAY, M.D., subject to the following probationary terms, conditions and limitations:

1. BENJAMIN DOWLING CARAWAY, M.D. shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
2. DOCTOR CARAWAY shall abstain completely from the personal use or possession of drugs, except over the counter medication and those prescribed, administered, or dispensed to him by another person so authorized by law, who has full knowledge of his history of chemical dependency.
3. DOCTOR CARAWAY shall abstain completely from the use of alcohol.
4. In the event that DOCTOR CARAWAY should leave Ohio for three continuous months, or reside or practice outside the State, he must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this period under the Consent Agreement.
5. DOCTOR CARAWAY shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of this Consent Agreement.

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6. DOCTOR CARAWAY shall appear in person for interview before the full BOARD or its designated representative at three (3) month intervals, or as otherwise requested by the BOARD.
7. Within 30 days of the effective date of this Consent Agreement, DOCTOR CARAWAY shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, acceptable to the BOARD no less than two (2) times per week. In the quarterly reports to the BOARD, DOCTOR CARAWAY shall provide documentary evidence of continuing compliance with this program.
8. DOCTOR CARAWAY shall have a supervising physician, approved by the BOARD, who shall monitor him and provide the BOARD with reports on the doctor's progress and status. DOCTOR CARAWAY is to ensure that said reports are forwarded to the BOARD on a quarterly basis. In the event that the designated supervising physician becomes unable or unwilling to serve as the supervising physician, DOCTOR CARAWAY must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable.
9. DOCTOR CARAWAY shall submit weekly urine specimens for random urine screenings for drugs to a physician to be approved by the BOARD. Such screenings shall be conducted weekly on a random basis, or as otherwise determined by the BOARD. DOCTOR CARAWAY shall ensure that the weekly screening reports are forwarded directly to the BOARD on a monthly basis. The BOARD retains the right to require DOCTOR CARAWAY to submit blood or urine specimens for analysis without prior notice.
10. DOCTOR CARAWAY shall register in a log, approved by the BOARD for this purpose, all controlled substances prescribed or dispensed by him in his practice and such log shall be submitted by DOCTOR CARAWAY to the BOARD at each appearance or as requested by the BOARD.
11. DOCTOR CARAWAY shall provide all employers and the Chief of Staff at each hospital where he has or obtains privileges with a copy of this Consent Agreement.

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this Agreement shall remain in force for a minimum of two (2) years prior to any request for termination of said Agreement.

If, in the discretion of the Secretary of THE STATE MEDICAL BOARD OF OHIO, BENJAMIN DOWLING CARAWAY, M.D. appears to have violated or breached any terms or conditions 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.

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.

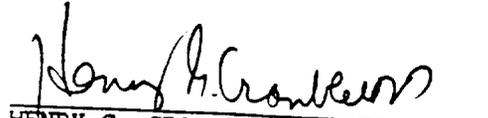
BENJAMIN DOWLING CARAWAY, M.D. hereby releases THE STATE MEDICAL BOARD OF OHIO, its Members, Employees, Agents, Officers and Representatives jointly and severally from any and all liability arising from the within matter.

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

The terms and conditions of this Agreement shall become effective immediately upon the last date of signature below.


BENJAMIN DOWLING CARAWAY, M.D.

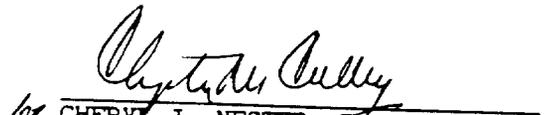
8 OCT 88
DATE


HENRY G. CRAMBLETT, M.D.
Secretary

10/24/88
DATE


JOHN E. RAUCH, D.O.
Supervising Member

10/27/88
DATE


102 CHERYL J. NESTER, Esquire
Assistant Attorney General

11-18
DATE