

STEP II
CONSENT AGREEMENT
BETWEEN
EUGENE F. TARESHAWTY, JR., M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

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

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

BASIS FOR ACTION

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

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation of Section 4731.22(B)(26), 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;" Section 4731.22(B)(10), Ohio Revised Code, "commission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed;" and Section 4731.22(B)(20), Ohio Revised Code, "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board,"
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Sections 4731.22(B)(26), Ohio Revised Code; Section 4731.22(B)(10), Ohio Revised Code, to wit, Section 2925.11, Ohio Revised Code, Possession of Drugs; and the violation of Section 4731.22(B)(20), Ohio Revised Code, to wit, Rule 4731-11-08, Ohio Administrative Code, Utilizing controlled substances for self and family members; all as set forth in Paragraph E of the June 13, 2001 Step I Consent Agreement Between Eugene F. Tareshawty, M.D. and The State Medical Board of Ohio [June 2001 Step I Consent Agreement], a copy of which is attached hereto and fully incorporated herein, 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. Tareshawty is applying for reinstatement of his license to practice medicine and surgery in the State of Ohio, License # 35-058757.
- D. Dr. Tareshawty states that he is not licensed to practice medicine and surgery in any other state.
- E. Dr. Tareshawty admits that after entering residential treatment for opioid dependence on or about May 30, 2001, at Neil Kennedy Recovery Clinic [Neil Kennedy], a Board-approved treatment provider in Youngstown, Ohio, he was discharged on or about June 28, 2001, having completed treatment.
- F. On or about August 15, 2001, in the Court of Common Pleas, Mahoning County, Ohio, Dr. Tareshawty admits that he pled guilty to two counts of Possession of Drugs, a violation of Sections 2925.11(A) and (C)(2)(b), Ohio Revised Code, constituting fourth degree felonies. Dr. Tareshawty admits that the conduct upon which these criminal violations were based is the same conduct forth in the Step I Consent Agreement underlying his violation of Section 4731.22(B)(10), Ohio Revised Code. Dr. Tareshawty states that sentencing for these criminal violations was held in abeyance pending his successful completion of the requirements of the Mahoning County Drug Court. Dr. Tareshawty states, and the Board acknowledges receipt of information to support, that since his plea of guilty to two counts of Possession of Drugs, Dr. Tareshawty has remained compliant with the requirements of the Mahoning County Drug Court.
- G. Dr. Tareshawty states, and the Board acknowledges receipt of information to support, that since his discharge from Neil Kennedy, Dr. Tareshawty has remained fully compliant with his recovery plan and Continuing Care Contract with Neil Kennedy, including participation in Caduceus or AA meetings five times per week. In addition, Dr. Tareshawty states and the Board acknowledges receipt of information to support that since his discharge from Neil Kennedy, he has remained fully compliant with the terms of his Advocacy Contract with the Ohio Physicians Effectiveness Program, including participation in support group programs three times per week and random weekly drug screens. Dr. Tareshawty admits that such contracts remain in effect.
- H. Dr. Tareshawty states, and the Board acknowledges, that Ronald Scott, M.D., of Neil Kennedy, a Board-approved treatment provider in Youngstown, Ohio, and Gregory B. Collins, M.D., of the Cleveland Clinic Foundation, a Board-approved treatment provider in Cleveland, Ohio, have submitted written reports indicating that they have assessed Dr. Tareshawty's ability to practice and that he is capable of practicing medicine and surgery according to acceptable and prevailing standards of care,

provided that certain treatment and monitoring requirements, including that Dr. Tareshawty be required to take 25 milligrams per day of naltrexone for six months to a year following his return to practice, are in place.

- I. Dr. Tareshawty states, and the Board acknowledges receipt of information to support, that Dr. Tareshawty has substantially fulfilled the conditions for reinstatement of his certificate to practice medicine and surgery in the State of Ohio, as established in the June 2001 Step I Consent Agreement.

AGREED CONDITIONS

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

1. Dr. Tareshawty shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio, and all terms imposed by the Mahoning County Court of Common Pleas in criminal case number Case No. 01-CR-810 and the Mahoning County Drug Court, Case No. 01-DC-60.
2. Dr. Tareshawty 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 June 2001 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. Tareshawty 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 June 2001 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. In the event that Dr. Tareshawty should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Tareshawty 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 this 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.

5. In the event Dr. Tareshawty 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.
6. Dr. Tareshawty shall take naltrexone on a daily basis with observed administration, unless his treating physician and a physician affiliated with a Board-approved treatment provider each assess Dr. Tareshawty and notify the Board in writing that discontinuation of naltrexone treatment is medically warranted. After completing one year of this Consent Agreement, Dr. Tareshawty shall submit to an evaluation by a physician affiliated with a Board-approved treatment provider for purposes of determining whether Dr. Tareshawty continues to require naltrexone treatment, and Dr. Tareshawty shall ensure that a written report of the evaluating physician's findings is forwarded to the Board. Any assessments and reports will be at Dr. Tareshawty's own expense. Further, Dr. Tareshawty shall submit with each quarterly declaration required under Paragraph 2 of this Consent Agreement acceptable documentary evidence of continuing compliance with this provision.

MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

7. Dr. Tareshawty 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. Tareshawty's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Tareshawty shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
8. Dr. Tareshawty shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 9 below) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Tareshawty to administer or personally furnish controlled substances, Dr. Tareshawty 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. Tareshawty's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Tareshawty 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

9. Dr. Tareshawty 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. Tareshawty's history of chemical dependency.
10. Dr. Tareshawty shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Supervising Physician

11. Dr. Tareshawty shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Tareshawty 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 days of the effective date of this Consent Agreement, Dr. Tareshawty shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Dr. Tareshawty 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. Tareshawty. Dr. Tareshawty 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. Tareshawty 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. Tareshawty must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Tareshawty 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. Tareshawty's quarterly declaration. It is Dr. Tareshawty's responsibility to ensure that reports are timely submitted.

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

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

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

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

Rehabilitation Program

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

Aftercare/Physician Health Program

15. Dr. Tareshawty shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, and with his Advocacy Contract with the Ohio Physicians Effectiveness Program or another physician health program approved in advance by the Board, 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.

Releases

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

Required Reporting by Licensee

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

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Tareshawty 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. Tareshawty has violated any term, condition or limitation of this Consent Agreement, Dr. Tareshawty 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. Tareshawty shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Tareshawty 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. Tareshawty 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. Tareshawty 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

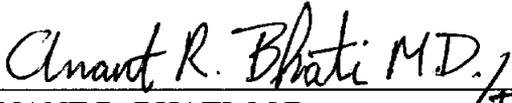
governmental bodies. Dr. Tareshawty agrees to provide his social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

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.



EUGENE F. TARESHAWTY, JR., M.D.



ANANT R. BHATI, M.D. *TAD*
Acting Secretary

5/4/02

DATE

5/8/02

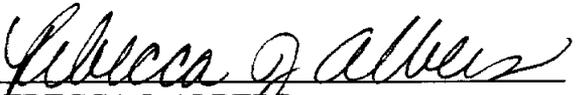
DATE



RAYMOND J. ALBERT
Supervising Member

5/8/02

DATE



REBECCA J. ALBERS
Assistant Attorney General

5/8/02

DATE

STEP I
CONSENT AGREEMENT
BETWEEN
EUGENE F. TARESHAWTY, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

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

EUGENE F. TARESHAWTY, 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), 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)(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"; 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;" and Section 4731.22(B)(20), Ohio Revised Code, "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board."

- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violations of Section 4731.22(B)(26), Ohio Revised Code; Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.11, Ohio Revised Code, Possession of Drugs; and the violation of Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-11-08, Ohio Administrative Code, Utilizing Controlled Substances for Self and Family Members, all as set forth in Paragraph E

below. The Board also 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. EUGENE F. TARESHAWTY, M.D., is licensed to practice medicine and surgery in the State of Ohio.
- D. EUGENE F. TARESHAWTY, M.D., STATES that he is not licensed to practice medicine and surgery in any other state. He STATES that his application to practice medicine and surgery in the State of Florida is currently pending.
- E. EUGENE F. TARESHAWTY, M.D., STATES that he began abusing Vicodin in or around the Fall of 1998 after having taken the drug as prescribed by his orthopedic surgeon and personal physician following Achilles tendon surgery. DOCTOR TARESHAWTY STATES that he obtained the Vicodin from pharmaceutical company samples and orders he placed with his practice's medical supply company. DOCTOR TARESHAWTY further STATES that his use of Vicodin dramatically increased during the Fall of 2000 and the Winter of 2001, and that he began to become aware of his addiction in February 2001. DOCTOR TARESHAWTY STATES that he slowly began to cut back on his usage of Vicodin during February 2001, and that he completely ceased usage of this drug on March 1, 2001. He also STATES that he did not abuse other controlled substances and drank alcohol only on one occasion during this time period.

DOCTOR TARESHAWTY ADMITS that United States Drug Enforcement Agency (DEA) agents executed an Administrative Inspection Warrant at his office on March 26, 2001. He also ADMITS that when interviewed by the DEA agents, he first denied, then admitted, personal use of almost all of the Vicodin delivered to his office. He further ADMITS that he surrendered two boxes of Lortab 10/650 mg and one box of Vicoprofen (7.5 mg) to DEA agents that he had stored in his office desk drawer.

DOCTOR TARESHAWTY also ADMITS that the day following the DEA's execution of the search warrant, a physician colleague called the Ohio Physicians Effectiveness Program (OPEP) on DOCTOR TARESHAWTY's behalf, and, at OPEP's recommendation, DOCTOR TARESHAWTY entered into inpatient assessment at the Neil Kennedy Recovery Clinic, a BOARD approved treatment provider in Youngstown, Ohio, on March 29, 2001. DOCTOR TARESHAWTY ADMITS that he was diagnosed as opioid dependent and on April 1, 2001, began a six-week

intensive outpatient program at Neil Kennedy. DOCTOR TARESHAWTY STATES that such outpatient treatment ended the week of May 13, 2001, and that he subsequently participated in an aftercare program at Neil Kennedy. DOCTOR TARESHAWTY STATES that he was admitted to Neil Kennedy's 28-day inpatient treatment program on May 30, 2001, and that such treatment continues to date. DOCTOR TARESHAWTY further STATES that he has an active relationship with OPEP and that he is in the process of finalizing an advocacy contract with this organization.

DOCTOR TARESHAWTY also ADMITS that he has entered into plea negotiations with the Mahoning County Prosecutor related to the criminal offenses described in the preceding two paragraphs.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, EUGENE F. TARESHAWTY, 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 TARESHAWTY to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than nine (9) months;

Sobriety

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

Releases; Quarterly Declarations and Appearances

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

Drug & Alcohol Screens; Supervising Physician

7. DOCTOR TARESHAWTY shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the

BOARD. DOCTOR TARESHAWTY 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 TARESHAWTY shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR TARESHAWTY 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 TARESHAWTY. 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 TARESHAWTY 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 TARESHAWTY must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR TARESHAWTY 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 TARESHAWTY's quarterly declaration. It is DOCTOR TARESHAWTY's responsibility to ensure that reports are timely submitted;

CONDITIONS FOR REINSTATEMENT

8. The BOARD shall not consider reinstatement of DOCTOR TARESHAWTY's certificate to practice medicine and surgery unless and until all of the following conditions are met:

- a. DOCTOR TARESHAWTY shall submit an application for reinstatement, accompanied by appropriate fees, if any;
- b. DOCTOR TARESHAWTY 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 TARESHAWTY has successfully completed any required inpatient treatment. For purposes of this certification, inpatient treatment shall include inpatient or residential treatment provided in conformance with paragraph (A)(13) of rule 4731-16-08 of the Administrative Code;
 - ii. Evidence of continuing full compliance with an aftercare contract or consent agreement;
 - iii. Two written reports indicating that DOCTOR TARESHAWTY'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 TARESHAWTY shall enter into a written consent agreement including probationary terms, conditions, and limitations as determined by the BOARD or, if the BOARD and DOCTOR TARESHAWTY are unable to agree on the terms of a written CONSENT AGREEMENT, then DOCTOR TARESHAWTY 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 TARESHAWTY'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 TARESHAWTY has maintained sobriety.

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

REQUIRED REPORTING BY LICENSEE

10. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR TARESHAWTY 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 or has an application pending. DOCTOR TARESHAWTY 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 TARESHAWTY 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 TARESHAWTY 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, DOCTOR TARESHAWTY 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 TARESHAWTY 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 TARESHAWTY 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.

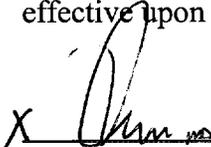
DOCTOR TARESHAWTY hereby releases THE STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

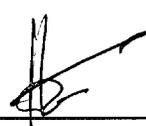
This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

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.

X 
EUGENE F. TARESHAWTY, M.D.


ANAND G. GARG, M.D.
Secretary


ANANT R BHATI
M.D.

