

STATE MEDICAL BOARD
OF OHIO
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**CONSENT AGREEMENT
BETWEEN
THOMAS JOHN HEGARTY, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

THOMAS JOHN HEGARTY, 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)(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, 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. THOMAS JOHN HEGARTY, M.D. is licensed to practice medicine and surgery in the State of Ohio.
- D. THOMAS JOHN HEGARTY, M.D. ADMITS that he suffers from impairment in violation of Section 4731.22(B)(26), Ohio Revised Code. DOCTOR HEGARTY specifically ADMITS that he has abused marijuana.

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- E. THOMAS JOHN HEGARTY, M.D., further ADMITS that in December of 1993 he received Treatment in Lieu of Conviction following his guilty plea to Attempted Trafficking in Marijuana, a misdemeanor of the first degree, in violation of Ohio Revised Code Section 2925.03(A)(4) and (E).
- F. THOMAS JOHN HEGARTY, M.D., further ADMITS that he received treatment from a BOARD approved treatment provider, Toledo Hospital, and has been compliant with aftercare.

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

1. DOCTOR HEGARTY shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. DOCTOR HEGARTY 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;
3. DOCTOR HEGARTY shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD;
4. In the event that DOCTOR HEGARTY should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR HEGARTY 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;
5. In the event DOCTOR HEGARTY is found by the Secretary of the Board to have failed to comply with any provision of this 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 the CONSENT AGREEMENT;

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6. DOCTOR HEGARTY 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 HEGARTY's history of chemical dependency;
7. DOCTOR HEGARTY shall abstain completely from the use of alcohol;
8. DOCTOR HEGARTY shall submit to random urine screenings for drugs and alcohol on a biweekly basis or as otherwise directed by the BOARD. DOCTOR HEGARTY 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 Agreement, DOCTOR HEGARTY shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR HEGARTY 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 HEGARTY 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 HEGARTY must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable;

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9. The BOARD retains the right to require, and DOCTOR HEGARTY agrees to submit, blood or urine specimens for analysis upon request and without prior notice;
10. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR HEGARTY shall submit for the BOARD's prior approval the name of a monitoring physician.

The monitoring physician shall monitor DOCTOR HEGARTY and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR HEGARTY 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 HEGARTY must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable;

11. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR HEGARTY shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, approved in advance by the BOARD specifically for DOCTOR HEGARTY, no less than three (3) times per week. Substitution of any specific program must receive prior BOARD approval. At his appearances before the BOARD or its designated representative, DOCTOR HEGARTY shall submit acceptable documentary evidence of continuing compliance with this program;
12. DOCTOR HEGARTY shall contact an appropriate impaired physicians committee, approved by the BOARD, to arrange for assistance in recovery or aftercare;
13. DOCTOR HEGARTY 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 Agreement, the terms of this Agreement shall control;

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14. DOCTOR HEGARTY 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; and
15. Within thirty (30) days of the effective date of this Agreement, DOCTOR HEGARTY shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services or receive training; and the Chief of Staff at each hospital where he has, applies for, or obtains privileges or appointments.

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 and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR HEGARTY 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.

DOCTOR HEGARTY 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 HEGARTY 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.

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

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

Thomas J. Hegarty, M.D.
THOMAS JOHN HEGARTY, M.D.
25 March 94
DATE

Carla S. O'Day
CARLA S. O'DAY, M.D.
Secretary
4/13/94
DATE

Thomas L. Stringer
THOMAS L. STRINGER, ESQ
Atty, for Dr. Hegarty
3/25/94
DATE

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member
4/13/94
DATE

Anne C. Berry
ANNE C. BERRY, ESQ.
Assistant Attorney General
4/13/94
DATE