

**STEP II
CONSENT AGREEMENT
BETWEEN
JAMES EDWARD STURMI, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Sturmi 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 contained 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)(15), 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 a "violation of the conditions of limitations placed by the Board upon a certificate to practice."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Section 4731.22(B)(15), Ohio Revised Code, as set forth in Paragraphs G through J, below, and the Notice of Opportunity for Hearing issued to Dr. Sturmi by the Board on or about March 9, 2005, a copy of which is attached hereto and fully incorporated herein. The Board expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Ohio Revised Code, whether occurring before or after the effective date of this Consent Agreement.
- C. Dr. Sturmi is licensed to practice medicine and surgery in the State of Ohio, License #35-060676.
- D. Dr. Sturmi states that he has also been licensed to practice medicine and surgery in the States of Alabama and Michigan, however, those licenses are inactive at this time.
- E. On or about January 7, 2002, Dr. Sturmi entered into a Step I Consent Agreement (hereinafter January 2002 Step I Consent Agreement) with the Board in lieu of formal proceedings based upon the violation of Sections

4731.22(A), 4731.22(B)(5), and 4731.22(B)(26), Ohio Revised Code. In the January 2002 Step I Consent Agreement, a copy of which is attached hereto and fully incorporated herein, Dr. Sturmi's license to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time, but not less than 180 days.

- F. On or about August 6, 2002, Dr. Sturmi entered into a Step II Consent Agreement (hereinafter August 2002 Step II Consent Agreement) with the Board in lieu of formal proceedings based upon the violation of Sections 4731.22(A), 4731.22(B)(5), 4731.22(B)(26), Ohio Revised Code. In the Step II Consent Agreement, a copy of which is attached hereto and fully incorporated herein, Dr. Sturmi's certificate to practice medicine and surgery was reinstated, subject to certain terms, conditions, and limitations for a minimum of five years.
- G. Dr. Sturmi states, and the Board acknowledges, that, pursuant to the terms of the August 2002 Step II Consent Agreement, Dr. Sturmi agreed to undertake and maintain participation in an alcohol and drug rehabilitation programs, such as A.A., N.A., C.A., or Caduceus, no less than three times per week.
- H. Dr. Sturmi admits that he failed to undertake and maintain participation in an alcohol and drug rehabilitation program, no less than three times a week, for the weeks of February 15, 2004, March 21, 2004, May 9, 2004, June 20, 2004, July 25, 2004, October 17, 2004, and December 19, 2004.
- I. Dr. Sturmi further states, and the Board acknowledges, that, pursuant to the terms of the August 2002 Step II Consent Agreement, Dr. Sturmi agreed to 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. Sturmi's quarterly declarations.
- J. Dr. Sturmi admits that he failed to provide acceptable documentary evidence of continuing compliance for the weeks of December 28, 2003 and January 4, 2004.

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. Sturmi knowingly and voluntarily agrees with the Board to the following terms, conditions, and limitations:

REPRIMAND

1. Dr. Sturmi is hereby REPRIMANDED.

Further, Dr. Sturmi knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions, and limitations:

PROBATION

1. Dr. Sturmi shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Sturmi 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 August 2002 Step II 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. Sturmi 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 August 2002 Step II 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. Dr. Sturmi shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, by the Secretary or Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
5. In the event that Dr. Sturmi 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 OF REHABILITATION AND TREATMENT
Drug Associated Restrictions

6. Dr. Sturmi 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. Sturmi's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Sturmi shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
7. Dr. Sturmi shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 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. Sturmi to administer or personally furnish controlled substances, Dr. Sturmi 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. Sturmi's personal appearance before the Board. Further, Dr. Sturmi 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

8. Dr. Sturmi 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. Sturmi's history of chemical dependency and who is Dr. Sturmi's treating physician.
9. Dr. Sturmi shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Supervising Physician

10. Dr. Sturmi shall submit to random urine screenings for drug and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Sturmi 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.

Dr. Sturmi shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Dr. Sturmi shall continue to have the Ohio Physicians Effectiveness Program select a supervising physician to whom Dr. Sturmi shall submit the required urine specimens. Dr. Sturmi 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. Sturmi 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 Ohio Physicians Effectiveness Program becomes unable or unwilling to designate a supervising physician, Dr. Sturmi must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Sturmi shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician. 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. Sturmi. Dr. Sturmi shall further ensure that a representative of the Ohio Physicians Effectiveness Program also notifies the Board directly of the program's 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 from Dr. Sturmi's quarterly declaration. It is Dr. Sturmi's responsibility to ensure that reports are timely submitted.

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

12. M. Bradley Smith, M.D., shall continue to monitor Dr. Sturmi and his medical practice, and shall review Dr. Sturmi'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, Dr. Smith shall provide the Board with reports on the monitoring of Dr. Sturmi and his medical practice, and on the review of Dr. Sturmi's patient charts. Dr. Sturmi 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. Sturmi's quarterly declarations.

In the event that Dr. Smith becomes unable or unwilling to serve in this capacity, Dr. Sturmi must immediately so notify the Board in writing. In addition, Dr. Sturmi shall make arrangements acceptable to the Board for another monitoring physician within thirty days after Dr. Smith becomes unable or unwilling to serve, unless otherwise determined by the Board. Dr. Sturmi 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. Sturmi and who is engaged in the same or similar practice specialty. Furthermore, Dr. Sturmi shall ensure that Dr. Smith also notifies the Board directly of his inability to continue to serve and the reason therefore.

Rehabilitation Program

13. Dr. Sturmi shall continue to maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or C.A., no less than three times per week and Caduceus no less than once a week. Substitution of any other specific program must receive prior Board approval.

Dr. Sturmi shall submit acceptable documentary evidence of continuing compliance with these programs which must be received in the Board's office no later than the due date for Dr. Sturmi's quarterly declarations.

Aftercare

14. Dr. Sturmi shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, Shepherd Hill Hospital, a Board approved treatment provider in Newark, Ohio, and with the advocacy contract entered into with the Ohio Physicians Effectiveness Program, 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.

Psychiatric Treatment

15. Dr. Sturmi shall continue psychiatric treatment with Richard Minter, M.D., once every three months or as otherwise directed by the Board. All sessions

shall be in person and may not be conducted by telephone or other electronic means. Dr. Sturmi shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his psychiatric disorder. Dr. Sturmi shall ensure that psychiatric reports are forwarded by Dr. Minter to the Board on a quarterly basis, or as otherwise directed by the Board. The psychiatric reports shall contain information describing Dr. Sturmi's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Sturmi's compliance with his treatment plan; Dr. Sturmi's mental status; Dr. Sturmi's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Sturmi shall ensure that Dr. Minter immediately notifies the Board of Dr. Sturmi's failure to comply with his psychiatric treatment plan and/or any determination that Dr. Sturmi is unable to practice due to his psychiatric disorder. It is Dr. Sturmi's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Sturmi's quarterly declaration.

In the event that Dr. Minter becomes unable or unwilling to serve in this capacity, Dr. Sturmi must immediately so notify the Board in writing. In addition, Dr. Sturmi shall make arrangements acceptable to the Board for another treating psychiatrist within thirty days after Dr. Minter becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Sturmi shall ensure that Dr. Minter also notifies the Board directly of his inability to continue to serve and the reasons therefore.

Releases

16. Dr. Sturmi 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 progress, 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. Sturmi 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. Sturmi 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. Sturmi 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. Sturmi 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. Sturmi shall provide this board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
19. Dr. Sturmi shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Sturmi chemical dependency treatment or monitoring or psychiatric treatment.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Sturmi 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. Sturmi has violated any term, condition or limitation of this Consent Agreement, Dr. Sturmi 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 47321.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

Dr. Sturmi shall not request termination of the probationary terms, conditions, and limitations of this Consent Agreement until at least August 2008. In addition, Dr. Sturmi shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year from the effective date of this Consent Agreement. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

ACKNOWLEDGEMENTS/LIABILITY RELEASE

Dr. Sturmi 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.

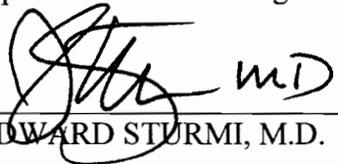
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Sturmi hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

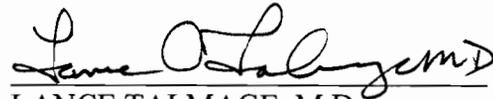
This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Sturmi acknowledges that his social security number will be used if this information is so reported 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.



JAMES EDWARD STURMI, M.D.



LANCE TALMAGE, M.D.
Secretary

10.20.05

DATE

11-9-05

DATE



JAMES F. FLYNN, Esq.
Attorney for Dr. Sturmi



RAYMOND J. ALBERT
Supervising Member

10/25/05

DATE

11/09/05

DATE



TARA L. BERRIEN
Assistant Attorney General

11/10/05

DATE



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

March 9, 2005

James Edward Sturmi, M.D.
887 Vista Drive
Gahanna, Ohio 43230

Dear Doctor Sturmi:

In accordance with R.C. Chapter 119., you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about January 7, 2002, you entered into a Step I Consent Agreement with the State Medical Board of Ohio (Board), in lieu of formal proceedings based upon the violation of R.C. 4731.22(A), R.C. 4731.22(B)(5), and R.C. 4731.22(B)(26).

You admitted to a history of chemical dependence, including treatment and relapses, from 1988 through 2002, involving alcohol and the drugs of abuse of marijuana, cocaine and hydrocodone; you admitted you had failed to report addiction and treatment on your Ohio licensure renewal application dated November 29, 2001.

Further, you agreed to certain terms, conditions and limitations, including suspension of your certificate to practice medicine and surgery in Ohio for an indefinite period of time, but not less than 180 days. A copy of the Step I Consent Agreement is attached hereto and incorporated herein.

- (2) On or about August 6, 2002, you entered into a Step II Consent Agreement with the Board, in lieu of formal proceedings based upon the violation of R.C. 4731.22(A), R.C. 4731.22(B)(5), and R.C. 4731.22(B)(26).

The Step II Consent Agreement recited the admissions contained in the above Step I Consent Agreement, and reinstated your certificate to practice medicine and surgery in the State of Ohio, subject to certain terms, conditions, and limitations, including, *inter alia*, the requirement found in paragraph 13:

* * *

Dr. Sturmi 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.

* * *

Dr. Sturmi 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. Sturmi's quarterly declarations.

A copy of the Step II Consent Agreement is attached hereto and incorporated herein.

Mailed 3-10-05

- (3) The above Step II Consent Agreement contains probationary terms, conditions and limitations. Paragraph 13 includes:

* * *

Dr. Sturmi 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.

* * *

Dr. Sturmi 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. Sturmi's quarterly declarations.

- (a) You failed to provide acceptable documentary evidence of continuing compliance, by undertaking and maintaining participation no less than three times per week, with this program for the week of December 28, 2003. You stated you left your log at a meeting, and upon your return the following week, the log was no longer there.
- (b) You failed to provide acceptable documentary evidence of continuing compliance, by undertaking and maintaining participation no less than three times per week, with this program for the week of January 4, 2004. You stated you left your log at a meeting, and upon your return the following week, the log was no longer there.
- (c) You failed to undertake and maintain participation in an alcohol and drug rehabilitation program, no less than three times per week, during the week of February 15, 2004. You stated you were "just remiss."
- (d) You failed to undertake and maintain participation in an alcohol and drug rehabilitation program, no less than three times per week, during the week of March 21, 2004. You stated you were "just remiss."
- (e) You failed to undertake and maintain participation in an alcohol and drug rehabilitation program, no less than three times per week, during the week of May 9, 2004. You reported your non-compliance with the requirement of attendance no less than three times that week with no explanation.
- (f) You failed to undertake and maintain participation in an alcohol and drug rehabilitation program, no less than three times per week, during the week of June 20, 2004. You reported your non-compliance with the requirement of attendance no less than three times that week with no explanation.
- (g) You failed to undertake and maintain participation in an alcohol and drug rehabilitation program, no less than three times per week, during the week of July 25, 2004. Reporting your failure to attend no less than three times in that week, you stated it was your first week back to work after a vacation for your wedding "but that is an explanation, not an excuse."
- (h) You failed to undertake and maintain participation in an alcohol and drug rehabilitation program, no less than three times per week, during the week of October 17, 2004. You reported your non-compliance with the requirement of attendance no less than three times that week with no explanation.

- (i) You failed to undertake and maintain participation in an alcohol and drug rehabilitation program, no less than three times per week, during the week of December 19, 2004. You reported your non-compliance with the requirement of attendance no less than three times that week with no explanation.

Your acts, conduct, and/or omissions, as alleged in paragraph three (3) above, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice," as that clause is used in Section R.C. 4731.22(B)(15).

Pursuant to R.C. Chapter 119., you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

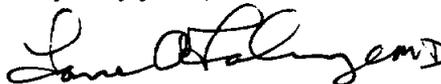
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, R.C. 4731.22(L), provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/cw
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5149 5766
RETURN RECEIPT REQUESTED

STEP II
CONSENT AGREEMENT
BETWEEN
JAMES EDWARD STURMI, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

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

Dr. Sturmi 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, 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(A), Ohio Revised Code, "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board;" Section 4731.22(B)(5), Ohio Revised Code, "making a false, fraudulent, deceptive, or misleading statement ... in securing or attempting to secure any certificate to practice or certificate of registration issued by the board;" and 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."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(A), (B)(5), and (B)(26), Ohio Revised Code, as set forth in Paragraphs E and F of the January 9, 2002 Step I Consent Agreement between James Edward Sturmi M.D., and The State Medical Board of Ohio, a copy of which is attached hereto and 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.

STEP II CONSENT AGREEMENT

James Edward Sturmi, M.D.

PAGE 2

- C. Dr. Sturmi is applying for reinstatement of his license to practice medicine and surgery in the State of Ohio, License # 35-060676, which was suspended pursuant to the terms of the above-referenced January 2002 Step I Consent Agreement.
- D. Dr. Sturmi states that he has been licensed to practice medicine and surgery in the States of Alabama and Michigan, however, those licenses are inactive at this time.
- E. Dr. Sturmi admits that after entering treatment for chemical dependence on January 4, 2002, at Shepherd Hill Hospital, a Board approved treatment provider in Newark, Ohio, he was discharged on March 22, 2002, treatment complete. Dr. Sturmi further admits that while at Shepherd Hill Hospital he was diagnosed with bipolar disorder, in addition to chemical dependence, and treatment with Lithium was initiated. Dr. Sturmi further admits that since his discharge from Shepherd Hill Hospital he has been continued on Lithium and Wellbutrin, as prescribed and monitored by psychiatrist Richard Minter, M.D., and has participated in psychotherapy.
- F. Dr. Sturmi states, and the Board acknowledges receipt of information to support, that since being discharged from Shepherd Hill Hospital on March 22, 2002, he has remained compliant with his recovery plan/aftercare contract with his treatment provider, Shepherd Hill Hospital. In addition, Dr. Sturmi states, and the Board acknowledges receipt of information to support, that he has remained fully compliant with terms of the advocacy contract into which he entered with the Ohio Physicians Effectiveness Program in March 2002. Dr. Sturmi further states that such recovery plan/aftercare contract and advocacy contract remain in effect to date.
- G. Dr. Sturmi states, and the Board acknowledges, that Richard N. Whitney, M.D., of Shepherd Hill Hospital, a Board approved treatment provider in Newark, Ohio, and Frederick N. Karaffa, M.D., a physician approved by the Board for purposes of evaluating Dr. Sturmi, have provided written reports indicating that Dr. Sturmi's ability to practice has been assessed and that he has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place.
- H. Dr. Sturmi states, and the Board acknowledges, that Dr. Sturmi has fulfilled the conditions for reinstatement of his certificate to practice medicine and surgery in the State of Ohio, as established in the above-referenced January 2002 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. Sturmi to practice medicine and surgery in the State of Ohio shall be reinstated, and Dr. Sturmi knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

STEP II CONSENT AGREEMENT

James Edward Sturmi, M.D.

PAGE 3

1. Dr. Sturmi shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Sturmi 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 January 2002 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. Sturmi 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 January 2002 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. Sturmi should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Sturmi 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. Sturmi 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 OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. Dr. Sturmi 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. Sturmi's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Sturmi shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.

7. Dr. Sturmi shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 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. Sturmi to administer or personally furnish controlled substances, Dr. Sturmi 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. Sturmi's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Sturmi 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

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

Drug and Alcohol Screens/Supervising Physician

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

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

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

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

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

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

Aftercare/Physician Health Program

14. Dr. Sturm shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider and with the advocacy contract entered into 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.

Psychiatric Treatment

15. Within thirty days of the effective date of this Consent Agreement, Dr. Sturmi 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. Sturmi shall undergo and continue psychiatric treatment monthly or as otherwise directed by the Board. Dr. Sturmi shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his psychiatric disorder and participating in psychotherapy as recommended. Dr. Sturmi 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. Sturmi's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Sturmi's compliance with his treatment plan; Dr. Sturmi's mental status; Dr. Sturmi's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Sturmi 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. Sturmi is unable to practice due to his psychiatric disorder. It is Dr. Sturmi's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Sturmi's quarterly declaration.

Work Hour Limitation

16. Dr. Sturmi shall limit his work hours to no more than forty hours of work per week, until otherwise approved by the Board. Dr. Sturmi shall keep a log reflecting the dates, times, and facilities and/or locations at which he works. Dr. Sturmi shall submit his work log for receipt in the Board's offices no later than the due date for Dr. Sturmi's quarterly declaration.

Any request by Dr. Sturmi for modification of the limitation on work hours set forth in this paragraph shall be accompanied by documentation from a physician affiliated with a Board approved treatment provider, or other physician approved by the Board for this purpose, who has evaluated Dr. Sturmi, indicating that such physician supports Dr. Sturmi's request for modification.

Releases

17. Dr. Sturmi 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

18. Within thirty days of the effective date of this Consent Agreement, Dr. Sturmi 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. Sturmi 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.
19. Within thirty days of the effective date of this Consent Agreement, Dr. Sturmi 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. Sturmi 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. Sturmi 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. Sturmi 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. Sturmi has violated any term, condition or limitation of this Consent Agreement, Dr. Sturmi 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. Sturmi shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Sturmi shall not request modification to the probationary terms, limitations, and conditions contained herein, with the exception of the limitation included in paragraph 16 requiring that he limit his work hours to no more than forty hours per week, 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. Sturmi 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. Sturmi 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. Sturmi 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

STATE BOARD

2002 AUG -7 P 1:47

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.



JAMES EDWARD STURMI, M.D.

8-6-02

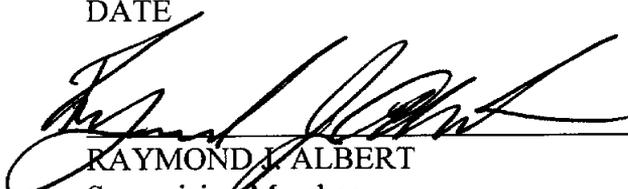
DATE



ANAND G. GARG, M.D.
Secretary

8/14/02

DATE



RAYMOND J. ALBERT
Supervising Member

8/14/02

DATE



REBECCA J. ALBERS, ESQ.
Assistant Attorney General

8/14/02

DATE

STEP I
CONSENT AGREEMENT
BETWEEN
JAMES EDWARD STURMI, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO

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

Dr. Sturmi 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, 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(A), Ohio Revised Code, "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board;" Section 4731.22(B)(5), Ohio Revised Code, "making a false, fraudulent, deceptive, or misleading statement ... in securing or attempting to secure any certificate to practice or certificate of registration issued by the board;" and 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."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(A), (B)(5), and (B)(26), 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 Agreement.
- C. Dr. Sturmi is licensed to practice medicine and surgery in the State of Ohio, License # 35-060676.

STEP I CONSENT AGREEMENT

James Edward Sturmi, M.D.

PAGE 2

- D. Dr. Sturmi states that he has also been licensed to practice medicine and surgery in the States of Alabama and Michigan, however, those licenses are inactive at this time.
- E. Dr. Sturmi admits that in or about 1988, at Shepherd Hill Hospital, a Board approved treatment provider in Newark, Ohio, he was initially treated for chemical dependence, and further admits that his drugs of abuse at that time included marijuana, cocaine, and alcohol. Dr. Sturmi states that following treatment he was monitored by Sally Bernard of One Step, Inc., in North Canton, Ohio, for a period of approximately three years while participating in a residency program; that he was not monitored during a period in or about 1992 and 1993 while participating in a fellowship program in Columbus, Ohio; that he was monitored by the Physicians Health Program in Alabama, as recommended by the Alabama Board of Medical Examiners, from in or about mid-1993 to in or about 1996 while practicing in Alabama; and that upon his return to Ohio in 1996 he entered into an advocacy agreement with, and was monitored by, the Ohio Physicians Effectiveness Program [OPEP].

Dr. Sturmi further states that he maintained sobriety until in or about January 2000, at which time he relapsed by using hydrocodone obtained from his office sample supply, and alcohol, on approximately four days. Dr. Sturmi admits that he thereafter participated in outpatient treatment at Talbot Recovery Services at Park Medical Center, then a Board approved treatment provider in Columbus, Ohio. Dr. Sturmi further admits that upon relapsing in or about January 2000 he revoked his consent for OPEP to report his relapse to the Board, and further admits that he has not been monitored since completing treatment at Talbot Recovery Services.

Dr. Sturmi further admits that he again relapsed by using alcohol on October 5, 2001, October 6, 2001, and December 3, 2001, and that he reported this relapse and his complete treatment and relapse histories, as set forth herein, to the Board on January 3, 2002. Dr. Sturmi further admits that on January 4, 2002, he entered residential treatment at Shepherd Hill Hospital for his chemical dependence.

- F. Further, Dr. Sturmi admits that in completing his application card for renewal of his certificate to practice medicine or surgery, which he dated November 29, 2001, he answered "No" to Question 2 which asks "At any time since signing your last application for renewal of your certificate have you been addicted to or dependent upon alcohol or any chemical substance; or been treated for, or been diagnosed as suffering from, drug or alcohol dependency or abuse?" Dr. Sturmi further admits that he signed such application card certifying that the information provided on the application for renewal was true and correct in every respect.

Dr. Sturmi further admits that he had, in fact, since signing his last application for renewal, been addicted to or dependent upon alcohol, and treated for, or diagnosed as suffering from, alcohol dependency or abuse.

Dr. Sturmi further admits that at the time he signed such application he had not successfully completed treatment at a program approved by this Board and subsequently adhered to all statutory requirements as contained in Sections 4731.224 and 4731.25, Ohio Revised Code, and related provisions, and was not currently enrolled in a Board approved 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, Dr. Sturmi knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Sturmi to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than 180 days.

Sobriety

2. Dr. Sturmi 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. Sturmi's history of chemical dependency.
3. Dr. Sturmi shall abstain completely from the use of alcohol.

Releases; Quarterly Declarations and Appearances

4. Dr. Sturmi 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. Sturmi's chemical dependency 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. Sturmi 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. Dr. Sturmi 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 first day of the third month following the month in which this 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. Dr. Sturmi 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.

Drug & Alcohol Screens; Supervising Physician

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

Rehabilitation Program

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

CONDITIONS FOR REINSTATEMENT

9. The Board shall not consider reinstatement of Dr. Sturmi's certificate to practice medicine and surgery until all of the following conditions are met:
 - a. Dr. Sturmi shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Sturmi 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 Dr. Sturmi has successfully completed any required inpatient treatment.
 - ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
 - iii. Evidence of continuing full compliance with this Consent Agreement.

- iv. Two written reports indicating that Dr. Sturmi'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. Dr. Sturmi shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Sturmi are unable to agree on the terms of a written Consent Agreement, then Dr. Sturmi 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 Dr. Sturmi'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. Moreover, upon termination of the consent agreement or Board Order, Dr. Sturmi shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Sturmi has maintained sobriety.

10. In the event that Dr. Sturmi 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 Dr. Sturmi's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

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

Dr. Sturmi 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.

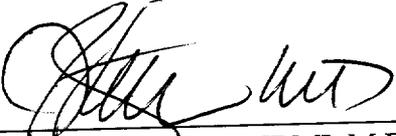
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

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

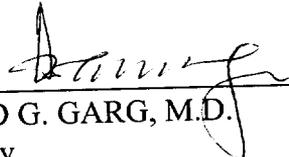
EFFECTIVE DATE

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.



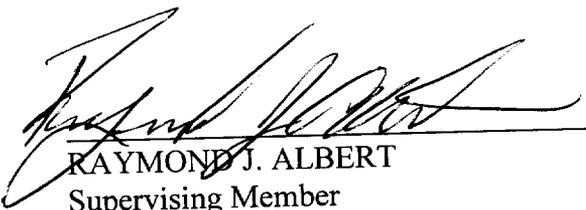
JAMES EDWARD STURMI, M.D.

1-7-02
DATE



ANAND G. GARG, M.D.
Secretary

01/09/02
DATE



RAYMOND J. ALBERT
Supervising Member

1/9/02
DATE



REBECCA J. ALBERS, ESQ.
Assistant Attorney General

1/9/02
DATE