

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

October 12, 2011

David C. Blocker, M.D.
P. O. Box 75003
Dayton, OH 45475-0003

RE: Case No. 11-CRF-036

Dear Doctor Blocker:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Danielle R. Blue, Esq., Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 12, 2011, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage mo
Lance A. Talmage, M.D. *rw*
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3938 3021 5816
RETURN RECEIPT REQUESTED

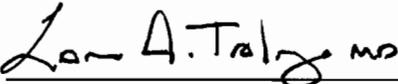
Cc: Eric J. Plinke, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3938 3021 5823
RETURN RECEIPT REQUESTED

Mailed 11-2-11

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Danielle R. Blue, Esq., State Medical Board Attorney Hearing Examiner; and excerpt of the Minutes of the State Medical Board, meeting in regular session on October 12, 2011, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of David C. Blocker, M.D., Case No. 11-CRF-036, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.



Lance A. Talmage, M.D. *rw*
Secretary

(SEAL)

October 12, 2011

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 11-CRF-036

DAVID C. BLOCKER, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on October 12, 2011.

Upon the Report and Recommendation of Danielle R. Blue, Esq., State Medical Board Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated within, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

Rationale for Amendment: Dr. Blocker's actions were mitigated by the underlying circumstances and he was forthcoming to the Medical Board.

It is hereby ORDERED that NO FURTHER ACTION shall be taken in the matter of David C. Blocker, M.D.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



Lance A. Talmage, M.D. *rw*
Secretary

(SEAL)

October 12, 2011

Date

2011 SEP -2 AM 8:55

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 11-CRF-036

David C. Blocker, M.D.,

*

Hearing Examiner Blue

Respondent.

*

REPORT AND RECOMMENDATION

Basis for Hearing:

By letter dated April 13, 2011, the State Medical Board of Ohio [Board] notified David C. Blocker, M.D., that it intended to determine whether to take disciplinary action against his certificate to practice medicine and surgery in Ohio based on his alleged violation of a 2006 Consent Agreement issued by the Board. The Board alleged that on January 26, 2011, Dr. Blocker was convicted of Disorderly Conduct, in violation of Ohio Revised Code Section [R.C.] 2917.11(a). The Board charged that this criminal offense constitutes a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” as set forth in R.C. 4731.22(B)(15). (State’s Exhibit [St. Ex.] 1A)

The Board received Dr. Blocker’s request for a hearing on May 10, 2011. (St. Ex. 1B)

Appearances:

Mike DeWine, Attorney General of Ohio, and Heidi W. Dorn, Assistant Attorney General, for the State of Ohio. Eric J. Plinke, Esq., on behalf of Dr. Blocker.

Hearing Date: August 17, 2011

PROCEDURAL MATTER

The Hearing Examiner placed Respondent’s Exhibit C under seal because it is a medical record.

SUMMARY OF THE EVIDENCE

All evidence admitted in this matter, even if not specifically mentioned, was thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background Information

1. David C. Blocker, M.D., was initially licensed to practice medicine and surgery in Ohio in 1991. He currently holds active licenses in Ohio, Pennsylvania, Kentucky, Indiana, Arizona, and Washington. Dr. Blocker testified that his specialty is general diagnostic radiology and he is board-certified in radiology. He stated that he is currently doing "overreads and quality control for Dr. [Robin] Osborn at his facility in Springfield." (Respondent's Exhibit [Resp. Ex.] A; Hearing Transcript [Tr.] at 31-32; Ohio eLicense Center at <<https://license.ohio.gov/lookup>>, query on August 31, 2011)

2006 Consent Agreement

2. On September 13, 2006, the Board approved a Consent Agreement between Dr. Blocker and the Board. The Consent Agreement, among other things, places Dr. Blocker's certificate to practice medicine and surgery on probation for at least five years including monitoring conditions, practice limitations, and restrictions upon his practice. The Consent Agreement is based on a prior action taken by the U.S. Department of the Air Force to suspend and/or restrict Dr. Blocker's clinical privileges. The Consent Agreement became effective on September 13, 2006, and remains in effect today. (St. Ex. 3; Tr. at 15)
3. The Consent Agreement includes the following provision in Paragraph 1:

Dr. Blocker shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.

(St. Ex. 3; Tr. at 16)

December 2010 Incident and January 2011 Guilty Plea

4. On December 2, 2010, the Municipal Court of Kettering, Ohio, Criminal Division, issued a summons to Dr. Blocker for Aggravated Menacing in violation of R.C. 2903.21. The summons was based on an allegation that Dr. Blocker "did knowingly cause another, Ali Khaghani, to believe that [Dr. Blocker] will cause serious physical harm to him by threatening to shoot him." (St. Ex. 2)
5. According to the Montgomery County Sheriff Office's Report dated December 2, 2010, the following incident was reported:

On Thursday, December 2nd, 2010 at approximately 1945 hours, I spoke with Ali Khaghani at his residence * * *. Ali wanted to report a threat made by his neighbor David Blocker.

Ali stated that around 1745 hours, his neighbor came to his door and began banging on the door. Ali stated that David was angry about their barbecue grill being [too] close to the garage. Ali reported that David threatened to shoot him. He said that he did not know what David was talking about with the barbecue. He stated that David then threatened to flatten his face. Ali stated that his cousin Shahrzad came to the door and told David that they were sorry and that they were not home when the grilling took place. She then attempted to close the door and David pushed it back open and said don't do that again. He advised that David then went back to his residence.

I went next door * * * and spoke with David. David stated that he went next door because he was upset about the neighbors grilling up against the building. David stated that he is afraid that they are going to burn down the building. David stated that there have been several incidents where Ali and his family have had open fires on the patio against the building. David stated that he and the other neighbor have reported this to the fire department and the Fire Marshall has been out numerous times because of the carelessness of the neighbor with fire. David stated that he was upset and did act irrationally over the incident; he stated that he is scared that the neighbors are going to burn the entire dwelling down because nothing has been done to stop the neighbors from starting fires. David did state that he did threaten to shoot the neighbor if they started any more fires next to the building. He stated that he did not threaten to flatten his face.

* * * After David was given his copy of the complaint he asked if I would go next door with him so he could apologize to his neighbor for his behavior, which he did.

(St. Ex. 2)

6. On January 26, 2011, in the Kettering Municipal Court, Dr. Blocker pleaded guilty to, and was found guilty of, an amended charge of Disorderly Conduct, a minor misdemeanor, in violation of R.C. 2917.11. The court ordered Dr. Blocker to pay a fine of \$150.00. (St. Ex. 2)

Dr. Blocker's Response

7. On February 25, 2011, Dr. Blocker self-reported his conviction to the Board in his quarterly declaration. Prior to this alleged violation, Dr. Blocker testified that he had been in full compliance with the Consent Agreement and that, with the exception of submitting quarterly declarations, he has been released from most of the probationary terms, conditions, and limitations included in the Consent Agreement. (Resp. Ex. F; Tr. at 23, 46)

8. Dr. Blocker does not dispute that he violated Paragraph 1 of the Consent Agreement by pleading guilty to a charge of disorderly conduct on January 26, 2011. (Tr. at 20-21)
9. Dr. Blocker testified that, prior to the December 2010 incident, there had been at least three other incidents in which he or others had called the fire department on the neighbor and contacted the landlord. (Tr. at 59-60; Resp. Exs. C, D) He testified that he called the fire department on his neighbor in December 2009:

It was at night. I was in my bedroom which faces out toward the back of the apartment, either reading or working on the computer, when I smelled smoke and sort of saw some flickering of light out the window; and looked outside and there was a bonfire next door in the closed back porch with flames coming up to the level of the second floor window.

(Tr. at 35)

10. Dr. Blocker testified as to the circumstances surrounding the December 2010 incident:

I had come back to the apartment. I had been out for the day. And I was walking back to my apartment. I fell into conversation with [a neighbor]. We were talking about various matters, and then she mentioned that the neighbors had had another indoor fire, this time a - - when it had been raining outside, they'd had a barbecue inside the garage with an open barbeque.

And at that point, you know, I just basically flashed on [a] vision of another giant, you know, bonfire of the nature of the one that I had seen previously, inside the garage. And I really was, at that point, very worried for myself. And just, you know, felt a general futility that, you know, if it happened again . . .

And I went to confront them, which I did, I knocked on their door. And one of the - - the younger man who lived there opened it. And, you know, I told him, you know, he couldn't have fires. And at that point, you [see] blank expressions. I believe I started behaving inappropriate[ly]. I did make the threat. And at that point, I realized that my mind was maybe two steps ahead of my tongue, but hadn't put on the brake yet. I said, "Oops."

(Tr. at 39-40)

11. Dr. Blocker explained why he believes this incident occurred and how deeply regretful he is for his actions:

It was the culmination of basically feeling afraid and powerless, and wondering when I would wake up or come home and there just wouldn't be a bonfire or an inappropriate fire, but I'd find a smoldering wreck with the fire department outside putting out something major. (Tr. at 43)

* * *

Basically, it's an incident that, you know, I deeply regret, and I'm basically very ashamed of what I did. The neighbors were a definite problem, but going over and yelling at them and confronting them the way I did was not what - - well, it's not the way to get the problem solved.

And I behaved very inappropriately, very atypically, and I regret it for - - not only the personal consequences, I don't look liking myself in the mirror and seeing a part of myself I don't really care for, but I - - if it's been something that I thought through - - which, again, in the heat of the moment and just feeling, oh, my God, they've done it again, they had another fire in the garage, next to the car, on top of the oil spots, with the stored gasoline, you know, everything else in there.

(Tr. at 51-52)

12. In regard to his statement of threatening to shoot his neighbor, Dr. Blocker denies that he owns a gun and stated that he has never owned a gun. Furthermore, he testified that, prior to this incident, he never had any confrontation with his neighbor. In addition, he stated that he has never had any physical and/or threatening conversation or confrontation with anyone. (Tr. at 41-42, 51)
13. Dr. Blocker testified that, as a result of this incident, he consulted a psychologist because he "realized that I had not behaved appropriately. * * * And I needed to talk to somebody about that, get some counseling * * *." Dr. Blocker treated with Diana Ackerly, Ph.D., from January 12, 2011 to July 28, 2011, for a total of 12 visits. He testified that he plans to keep treating with her. (Tr. at 43-44)
14. According to Dr. Ackerly's report dated August 1, 2011, Dr. Blocker's treatment is focused, in part, on stress management. Dr. Ackley further stated that Dr. Blocker has shown no evidence of a mental disorder or anger-management disorder. (Resp. Ex. C; Tr. at 43-44)
15. Dr. Blocker testified that he paid the court fine. (Tr. at 59)

Additional Support

16. Bernard J.M. Istria, M.D., Dr. Blocker's former colleague, submitted a letter on his behalf dated July 25, 2011. His letter states, in pertinent part:

David is an individual of high moral character, always respectful of authority. He is an intensely private person, who is highly unlikely to engage with his neighbors unless invited to do so.

* * *

In reference to the recent incident, * * * I have a hard time believing that he would be verbally abusive or threatening to anyone, unless provoked, and in a dire emergency. A more typical response from him would be to walk away from confrontation.

* * *

In summary, the behavior imputed to Dr. Blocker is as out of character as it is difficult to believe. If fairness is to prevail, this incident should not mar Dr. Blocker's lifetime good reputation and professional standing.

(Resp. Ex. B at 1)

17. Michael Ames, M.D., a former colleague of Dr. Blocker, submitted a letter on his behalf dated July 27, 2011. The letter states, in pertinent part:

In 3 years of working side by side in often stressful and hectic conditions, I never witnessed him raising his voice or losing his temper with anyone. Rather, he was always calm and relaxed in [his] interactions with people. Since then, in our social interaction, he has demonstrated a similar demeanor.

(Resp. Ex. B at 2)

18. Jayne and Al Krohn, Dr. Blocker's landlords, submitted a letter on his behalf dated August 1, 2011. The letter stated, in pertinent part:

Dr. David Blocker has been a tenant of ours since 1994. He has conducted himself in an exemplary manner in any transaction that we have had with him.

The incident which occurred * * * happened after several complaints by ourselves and the fire department.

* * *

Numerous talks with the tenants with us and the admonitions by the fire department still did not deter their actions.

The situation became intolerable.

Dr. Blocker remains our tenant, the [other] tenants have moved.

(Resp. Ex. B at 4)

19. In addition to the letters of support set forth above, Dr. Blocker submitted several letters that pre-date the December 2010 incident in which colleagues attested to his character and medical ability. (Resp. Ex. B at 6-34)

FINDINGS OF FACT

1. On September 13, 2006, the Board approved a Consent Agreement between Dr. Blocker and the Board. The Consent Agreement, among other things, places Dr. Blocker's certificate to practice medicine and surgery on probation for at least five years including monitoring conditions, practice limitations, and restrictions upon his practice. The Consent Agreement is based on a prior action taken by the U.S. Department of the Air Force to suspend and/or restrict Dr. Blocker's clinical privileges. The Consent Agreement became effective on September 13, 2006, and remains in effect to date.
2. Dr. Blocker failed to comply with Paragraph 1 of the Consent Agreement. Paragraph 1 of the Consent Agreement requires that Dr. Blocker obey all federal, state, and local laws, and rules governing the practice of medicine in Ohio.

On January 26, 2011, in the Kettering Municipal Court, Dr. Blocker pleaded guilty to, and was found guilty of, of Disorderly Conduct, a minor misdemeanor, in violation of R.C. 2917.11.

CONCLUSION OF LAW

The acts, conduct, and/or omissions of Dr. Blocker as set forth above in the Findings of Fact, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice," as set forth in R.C. 4731.22(B)(15).

DISCUSSION CONCERNING PROPOSED ORDER

The Hearing Examiner is convinced that Dr. Blocker's behavior on December 2, 2010, was an isolated event. On that day, Dr. Blocker let his emotions get the better of him and had a reaction that was out of character for him. The Hearing Examiner is further convinced that Dr. Blocker is extremely regretful and ashamed of his behavior and is unlikely to engage in this type of behavior ever again.

There are also several mitigating factors present in this case that should be considered by this Board. First, Dr. Blocker apologized to his neighbor after the incident. Second, he has already been disciplined by the court. Third, Dr. Blocker self-reported this incident to the Board in a timely fashion. Fourth, Dr. Blocker immediately sought help from a psychologist to address his behavior and continues to have ongoing treatment. Fifth, Dr. Blocker has no prior history of violence. Finally, prior to this incident, Dr. Blocker had been in full compliance with his Consent Agreement and had already been released from certain probationary terms, conditions, and limitations.

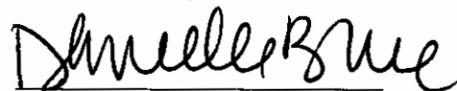
Based on the evidence, the Hearing Examiner hereby recommends a reprimand. In addition, Dr. Blocker's Consent Agreement remains in effect until September 13, 2011, when he can officially petition this Board for a release from the Consent Agreement.

PROPOSED ORDER

It is hereby ORDERED that:

David C. Blocker, M.D., is REPRIMANDED.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



Danielle R. Blue, Esq.
Hearing Examiner

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

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EXCERPT FROM THE DRAFT MINUTES OF OCTOBER 12, 2011

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Mahajan announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings and Proposed Order appearing on its agenda.

Dr. Mahajan asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Daniel Howard Brumfield, M.D.; David C. Blocker, M.D.; Walter Thomas Bowers, II, M.D.; Stephen Leon Edge, M.D.; Michelle M. Walter; Mark A. Wangler, M.D.; Adil Younis Yamour, M.D. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye

Dr. Mahajan asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye

Dr. Mahajan noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert and Dr. Amato served as Supervising Members.

Dr. Mahajan reminded all parties that no oral motions may be made during these proceedings.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....
DAVID C. BLOCKER, M.D., Case No. 11-CRF-036
.....

Dr. Madia moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of David C. Blocker, M.D. Dr. Steinbergh seconded the motion.

.....
Dr. Madia moved to amend the Proposed Order of the Report and Recommendation to No Further Action. Dr. Stephens seconded the motion.
.....

A vote was taken on Dr. Madia's motion to amend:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Ms. Elsass	- nay
	Dr. Ramprasad	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- nay
	Dr. Mahajan	- aye

The motion to amend carried.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of David C. Blocker, M.D. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Ms. Elsass	- aye

Dr. Ramprasad	- aye
Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- nay
Dr. Mahajan	- aye

The motion to approve carried.



State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

April 13, 2011

Case number: 11-CRF- 036

David C. Blocker, M.D.
9512 Centerbrook Court
Centerville, OH 45458

Dear Doctor Blocker:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] 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 September 13, 2006, the Board ratified a Consent Agreement that placed your certificate to practice medicine and surgery in Ohio on probation for a minimum of five years including monitoring conditions, practice limitations and restrictions upon your practice. The Consent Agreement was based on a prior action by the U.S. Department of the Air Force to suspend and/or restrict your clinical privileges.
- (2) Paragraph 1 of the Consent Agreement requires that you obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.

Despite these requirements, on or about December 2, 2010, you were issued a summons for Aggravated Menacing in violation of Section 2903.21, Ohio Revised Code. The police report indicated that you threatened to shoot an eighteen year-old neighbor and that you threatened to "flatten his face." The police report further indicates that you admitted to threatening to shoot the neighbor if any more [barbeque] fires were started next to the apartment building.

On or about January 26, 2011, in the Kettering Municipal Court located in Kettering, Ohio, you pled guilty to, and were found guilty of, an amended charge of Disorderly Conduct in violation of Section 2917.11(a), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) 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 4731.22(B)(15), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, 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

Mailed 4-14-11

David C. Blocker, M.D.

Page 2

and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

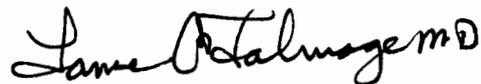
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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, Section 4731.22(L), Ohio Revised Code, 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/DPK/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3938 3023 5425
RETURN RECEIPT REQUESTED

cc: Eric Plinke, Esq.
191 W Nationwide Blvd.
Suite 300
Columbus, OH 43215-8120

CERTIFIED MAIL #91 7108 2133 3938 3023 5418
RETURN RECEIPT REQUESTED

**CONSENT AGREEMENT
BETWEEN
DAVID C. BLOCKER, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

STATE MEDICAL BOARD
OF OHIO

2006 SEP 13 A 11: 01

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

Dr. Blocker 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 any of the enumerated violations, to include Section 4731.22(B)(24), Ohio Revised Code, "the revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice."
- B. The Board and Dr. Blocker enter into this Consent Agreement in lieu of further formal proceedings based upon the allegations set forth in the Notice of Opportunity for Hearing issued on February 8, 2006, attached hereto as Exhibit A and incorporated herein by this reference.
- C. The Board expressly reserves the right to institute additional formal proceedings based upon any other violations of R.C. Chapter 4731., whether occurring before or after the effective date of this Consent Agreement.
- D. Dr. Blocker is licensed to practice medicine and surgery in the State of Ohio, License No. 35.061188.
- E. Dr. Blocker states that he is not licensed in any other state or jurisdiction.
- F. Dr. Blocker admits to all the legal and factual allegations contained in the February 8, 2006 Notice of Opportunity for Hearing.

2006 SEP 13 A 11: 01

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of further formal proceedings at this time, Dr. Blocker knowingly and voluntarily agrees with the Board to the following **PROBATIONARY** terms, conditions and limitations:

1. Dr. Blocker shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Blocker 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 this Consent Agreement becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Blocker 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.
4. In the event Dr. Blocker 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.

Practice Plan/Monitoring Physician

5. Before engaging in any medical practice, Dr. Blocker shall submit to the Board and receive its approval for a plan of practice in Ohio that is compliant with the below Practice Limitation. Dr. Blocker shall obtain the Board's approval for any alteration to the practice plan approved pursuant to this Consent Agreement.

At the time Dr. Blocker submits his practice plan, he shall also 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. Blocker and who is engaged in the same or similar practice specialty.

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

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

Limitations on Practice

6. Dr. Blocker's certificate to practice medicine shall be **LIMITED** and **RESTRICTED** to exclude the performing, reviewing or interpreting of any ultrasounds or CT scans. The Board shall not consider removing this limitation on Dr. Blocker's certificate to practice medicine and surgery until all of the following conditions are met:
 - a. Dr. Blocker shall submit the name and curriculum vitae of a radiologist certified by the American Board of Radiology for prior written approval by the Secretary or Supervising Member of the Board. The radiologist shall provide Dr. Blocker with a random selection of ultrasounds and CT scans for Dr. Blocker's interpretation. Dr. Blocker shall review, interpret and produce a report for a minimum of 50 ultrasounds and 50 CT scans.
 - b. The radiologist shall compare Dr. Blocker's interpretation with the official report for each study and submit a report to the Board detailing Dr. Blocker's proficiency and performance in rendering an accurate medical opinion from the ultrasounds and CT scans.
 - c. The Board, upon receipt and review of the report from the approved radiologist, shall determine whether Dr. Blocker has demonstrated sufficient proficiency in interpreting ultrasounds and CT scans such as to remove the limitation from his license to practice medicine and surgery, or whether additional education and training should be required prior to further consideration. Dr. Blocker further agrees to abide by any terms, conditions and limitations as determined by the Board, or, if the Board and Dr. Blocker are unable to agree on such terms, Dr. Blocker 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.

2008 SEP 13 11:01

STATE MEDICAL BOARD

Required Reporting By Licensee

- 7. Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Blocker shall provide a copy of this Order 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. Blocker shall provide a copy of this Order 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.

- 8. Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Blocker shall provide a copy of this Order 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. Blocker shall also provide a copy of this Order 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 or restoration of any professional license. Further, Dr. Blocker shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Blocker 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.

DURATION/MODIFICATION OF TERMS

Dr. Blocker shall not request termination of this Consent Agreement for a minimum of five years. However, in no event shall Dr. Blocker be released from the Limitation and Restriction set forth in Paragraph 6, above, until he has demonstrated sufficient proficiency in interpreting ultrasounds and CT scans pursuant to the terms of that Paragraph. In addition, Dr. Blocker 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. Blocker 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.

2006 SEP 13 11:01

STATE MEDICAL BOARD

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

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

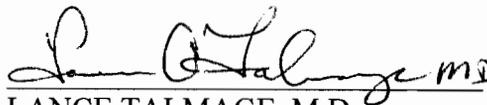
This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Blocker agrees to provide his social security number to the Board and hereby authorizes the 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.



DAVID C. BLOCKER, M.D.



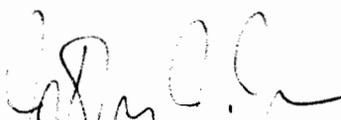
LANCE TALMAGE, M.D.
Secretary

9/12/06

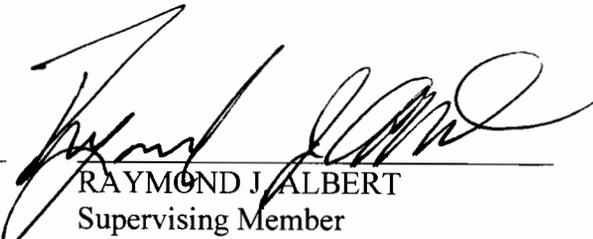
DATE

9-13-06

DATE



JEFFREY J. JURCA, ESQ.
Attorney for Dr. Blocker



RAYMOND J. ALBERT
Supervising Member

9-13-06

DATE

9/13/06

DATE

2006 SEP 13 A 11: 01

STATE MEDICAL BOARD

Damion M. Clifford

DAMION M. CLIFFORD, ESQ.
Assistant Attorney General

4/13/04

DATE

2006 SEP 13 A 11: 01

STATE MEDICAL BOARD
ST 719



State Medical Board of Ohio

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

February 8, 2006

David C. Blocker, M.D.
Gates, Kitze and Gapinski, Inc.
808 East Franklin Street
Centerville, OH 45459-5605

Dear Doctor Blocker:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] 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 December 2, 2004, your clinical privileges to interpret diagnostic ultrasounds and computed tomograms for the United States Department of the Air Force were suspended. On or about December 23, 2004, your clinical privileges to interpret diagnostic ultrasounds and computed tomograms for the United States Department of the Air Force were restricted.

The suspension and restriction of your privileges by the United States Department of the Air Force, as alleged in paragraph (1) above, individually and/or collectively, constitutes "[t]he revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice," as that clause is used in Section 4731.22(B)(24), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, 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.

Mailed 2-9-06

David C. Blocker, M.D.

Page 2

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, Section 4731.22(L), Ohio Revised Code, 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/blt
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4330 3891
RETURN RECEIPT REQUESTED

cc: Jeffrey J. Jurca, Esq.
175 S. Third St. Suite 700
Columbus, OH 43215-5100

CERTIFIED MAIL # 7003 0500 0002 4330 3884
RETURN RECEIPT REQUESTED