

THE STATE MEDICAL BOARD OF OHIO
PERMANENT SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY

I, Richard W. Maloney, M.D. am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein, after being fully advised by legal counsel.

I, Richard W. Maloney, M.D. do hereby voluntarily, knowingly, intelligently, and permanently surrender my certificate to practice medicine and surgery, No 35-061220, to the State Medical Board of Ohio, thereby permanently relinquishing all rights to practice medicine and surgery in Ohio. This surrender shall be effective upon signature of the Secretary and Supervising Member.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-061220 or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing of this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings in accordance with R.C. Chapter 119 and R.C. 4731.22 for the matters described in the Notice of Opportunity for Hearing dated September 12, 2001. I further stipulate and admit to only the allegations regarding the Florida Board Action in paragraph 2 of said Notice, which is attached hereto in Exhibit A and incorporated herein by this reference. Pursuant to this agreement, the State Medical Board of Ohio agrees to dismiss the allegations contained in paragraph 1 of said Notice.

I further stipulate and admit that in lieu of the State Medical Board of Ohio issuing a formal Notice and Opportunity for Hearing, I admit that the State of Florida Board of Medicine issued a final order in case No. 1999-53289. This final order required me to complete 3 hours of continuing medical education in the area of medical ethics, imposed an administrative fine of \$5,000.00, and required me to pay the cost of the investigation in the amount of \$500.00. This Florida action resulted from my placing of an advertisement for "scarless" facelifts. The Florida Board found that this advertisement was false, deceptive, or misleading and a violation of 458.331(1)(d) of the Florida Code. A copy of the Florida action, filed on December 10, 2001, is attached hereto in Exhibit B and incorporated herein by reference. Upon execution of this agreement the State Medical Board of Ohio will not pursue any action in regards to the Florida case No. 1999-53289.

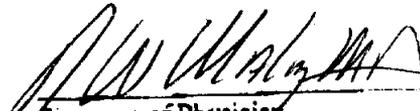
Surrender of Certificate
page 2

I, Richard W. Maloney, M.D., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

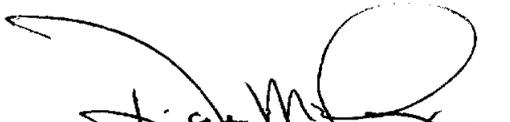
This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

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

Signed this 20 day of March, 2002



Signature of Physician



Witness



Witness

Sworn to and subscribed in my presence, this ___ day of _____, 2002.

NOTARY PUBLIC

Surrender of Certificate
page 3

(This form must be either witnessed OR notarized.)

Accepted by the State Medical Board of Ohio:



ANAND G. GARG, M.D.
Secretary
04/23/02

DATE



RAYMOND J. ALBERT
Supervising Member
4/23/02

DATE

**INTERIM AGREEMENT
BETWEEN
RICHARD W. MALONEY, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

STATE MEDICAL BOARD
2001 DEC 18 10:41:01

Richard W. Maloney, M.D., hereby agrees that, until the allegations contained in the State Medical Board of Ohio's (hereinafter Board) September 12, 2001 Notice of Opportunity for Hearing have been fully resolved by the Board, he will not practice medicine in the State of Ohio in any form. Dr. Maloney further agrees that any violation of the above-referenced limitation shall subject him to further disciplinary action pursuant to Section 4731.22, Ohio Revised Code.

The State Medical Board of Ohio, by its acceptance of this Interim Agreement, hereby agrees not to object, through its counsel, to the granting of a continuance of the administrative hearing on the above-referenced allegations until the matters contained in the pending Florida Board of Medicine action are finalized and delivered to the Ohio Medical Board for possible citation. This Interim Agreement does not apply to any appeals of said order.

This Interim Agreement shall not be construed as an admission by Richard W. Maloney, M.D., to the allegations contained in the September 12, 2001 Notice of Opportunity for Hearing.

This Interim Agreement shall become effective immediately upon the last date of signature below.

Richard W. Maloney MD
Richard W. Maloney, M.D.

Anand G. Garg, M.D. /TAD
Anand G. Garg, Secretary
State Medical Board of Ohio

12/12/01
Date

12/18/01
Date

KPBJ-15
Kevin P. Byers
Attorney for Dr. Maloney

Raymond J. Albert /TAD
Raymond J. Albert, Supervising Member
State Medical Board of Ohio

12/18/01
Date

12/18/01
Date



State Medical Board of Ohio

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

September 12, 2001

Richard W. Maloney, M.D.
The Aesthetic Surgery Center
11181 Health Park Boulevard, Suite 1115
Naples, Florida 33942

Dear Doctor Maloney:

In accordance with Chapter 119., Ohio Revised Code, 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 or place you on probation for one or more of the following reasons:

- (1) On or about January 17, 2000, you signed and submitted to the State Medical board of Ohio your application for renewal of your Ohio certificate to practice medicine and surgery. You certified, under penalty of loss of your right to practice in the State of Ohio, that the information provided on that application for renewal was true and correct in every respect.

You responded "No" to the question "At any time since signing your last application for renewal of your certificate have you:

- 5.) [b]een notified by any board, bureau, department, agency, or other body including those in Ohio, other than this board, of any investigation concerning you, or any charges, allegations or complaints filed against you?"

In fact, on or about October 28, 1998, the Florida Agency for Health Care Administration (hereinafter the "Florida AHCA") Medical Quality Assurance Investigative Services sent a letter notifying you of a pending investigation regarding your license to practice medicine in Florida, AHCA Case No. 9821732.

This matter, Case no. 9821732 was addressed by Florida Board of Medicine (hereinafter the "Florida Board") Corrected Final Order, filed May 3, 2001, as provided in paragraph two (2) below.

- (2) On or about May 3, 2001, the Florida Board of Medicine filed a Corrected Final Order vacating their Final Order filed March 30, 2001, approving, adopting and amending the incorporated Consent Agreement allowing you to substitute an alternative drug course to be approved by the Florida Board's Probationer's Committee and requiring completion within one year.

Mailed 9.13.01

Further, the Florida Board imposed an administrative fine of one thousand (\$1,000.00) dollars and you agreed to reimburse administrative costs in the amount of eight hundred seventy four dollars and four cents (\$878.04).

In the Administrative Complaint, it was alleged that you delegated professional responsibilities to a person not qualified by training, experience or licensure to perform them, by allowing a nurse to sign prescriptions for controlled substances, or by giving her specific permission to sign the prescription pad with your name on the signature line followed by the nurses initials.

In the Stipulated Facts contained in the Consent Agreement, you neither admitted nor denied the allegations of fact contained in the Administrative Complaint. In the Stipulated Conclusions of Law, you did admit the Stipulated Disposition in this case was fair, appropriate, and acceptable to you.

Further, the Stipulated Disposition contained in the Consent Agreement, dismissed Count One of the Administrative Complaint.

Copies of the Florida Board Corrected Final Order, filed May 3, 2001, with vacated Final Order filed March 30, 2001, and adopted, amended Consent Agreement with Administrative Complaint, are attached hereto and incorporated herein.

Your acts, conduct, and/or omissions as alleged in paragraph one (1) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph two (2) above, individually and/or collectively, constitute "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), 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 (30) 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

Richard W. Maloney, M.D.

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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 (30) 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 or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, 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,



Anand G. Garg, M.D.
Secretary

AGG/bjs
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5147 8837
RETURN RECEIPT REQUESTED

cc
Kristina L. Sutter, R.N., J.D.
Collins & Truett, P.A.
Attorneys at Law
2804 Remington Green Circle, Suite 4
Tallahassee, Florida 32308

CERTIFIED MAIL # 7000 0600 0024 5147 8820
RETURN RECEIPT REQUESTED

Final Order No. DOH-01-0613- S -MQA
FILED DATE - 5/3/01
Department of Health
By: Vicki R. Kanan
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,
Petitioner,

vs.

CASE NO.: 1998-21732
LICENSE NO.: ME0062779

RICHARD W. MALONEY, M.D.,
Respondent.

_____ /

CORRECTED FINAL ORDER

STATE MEDICAL BOARD
FILED
2001 JUL 26 P 3:00 PM

THIS CAUSE originally came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on February 3, 2001, in Tampa, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled cause. Upon a finding that the Final Order filed in this cause on March 30, 2001, was incorrect, the Board hereby VACATES the previous Final Order, as it does not address an amendment to the original Consent Agreement as discussed and agreed upon by the parties and on the record at the meeting.

Wherefore, upon consideration of the above, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted is hereby approved and adopted in toto and incorporated by reference herein with the following amendment:

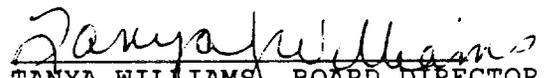
The USF Drug Course set forth in Paragraph 4 of the Stipulated Disposition is amended to allow Respondent to substitute an alternative drug course approved by the Board's Probationer's Committee. Said drug course must be completed within one (1) year from the date this Final Order is filed.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Consent Agreement as amended.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 23rd day of April, 2001.

BOARD OF MEDICINE


TANYA WILLIAMS, BOARD DIRECTOR
FOR GASTON ACOSTA-RUA, M.D.
CHAIRMAN

STATE MEDICAL BOARD
OF FLORIDA
2001 JUL 25 12 29 02

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Richard W. Maloney, M.D., 11181 Health Park Boulevard, Suite 11, Naples, Florida 34110; to Richard B. Collins, Esquire, P.O. Drawer 12429, Tallahassee, Florida 32317-2429, and by interoffice delivery to Nancy Snurkowski, Chief - Practitioner Regulation, and Simone Marstiller, Senior Attorney -

Appeals, Agency for Health Care Administration, 2727 Mahan Drive,
Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this _____
day of _____, 2001.

STATE MEDICAL BOARD
OF FLORIDA

2001 JUN 26 PM 3:02

2/19/01

Final Order No. DOH-01-0432-^S-MOA
FILED DATE - 3/30/01
Department of Health

STATE OF FLORIDA
BOARD OF MEDICINE

By: Vicki R. Kenon
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 1998-21732
LICENSE NO.: ME0062779

RICHARD W. MALONEY, M.D.,

Respondent.

STATE MEDICAL BOARD
OF FLORIDA
2001 JUL 26 P 3:02

FINAL ORDER

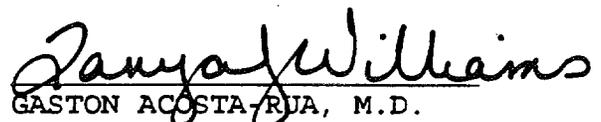
THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on February 3, 2001, in Tampa, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled cause. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Consent Agreement.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 9th day of March, 2001.

BOARD OF MEDICINE


GASTON ACOSTA-RUA, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Richard W. Maloney, M.D., 11181 Health Park Boulevard, Suite 11, Naples, Florida 34110; to Richard B. Collins, Esquire, P.O. Drawer 12429, Tallahassee, Florida 32317-2429, and by interoffice delivery to Kathryn L. Kasprzak, Chief Medical Attorney, and Simone Marstiller, Senior Attorney - Appeals, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this _____ day of _____, 2001.

2001 JUN 25 P 3
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AMENDED CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to Richard W. Maloney, MD, 11181 Health Park Blvd., Suite 11, Naples, Florida 34110, Richard W. Maloney, MD, 11181 Health Park Blvd., Suite 1115, Naples, Florida 34110, to Richard B. Collins, Esquire, P.O. Drawer 12429, Tallahassee, Florida 32317-2429, and by interoffice delivery to Kathryn L. Kasprzak, Chief Medical Attorney, and Simone Marstiller, Senior Attorney-Appeals, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this _____ day of _____, 2001.

STATE MEDICAL BOARD
2001 JUL 25 P 3:02

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 1998-21732

RICHARD MALONEY, M.D.,

Respondent.

CONSENT AGREEMENT

Richard Maloney, M.D. referred to as the "Respondent," and the Department of Health referred to as "Department," by and through the Agency for Health Care Administration stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

STIPULATED FACTS

1. At all times material hereto, the Respondent was a licensed physician in the State of Florida having been issued license number ME 0062779.
2. The Respondent was charged by an Administrative Complaint filed by the Department and properly served upon the Respondent with a violation of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.
3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. The Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.
2. The Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute a violation of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.
3. Respondent admits that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. **FUTURE CONDUCT.** The Respondent shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto. Prior to signing this agreement, the Respondent shall read Chapters 455, 458, 893 and the Rules of the Board of Medicine, at Section 64B8, Florida Administrative Code.

2. **FINE.** The Board shall impose an administrative fine in the amount of one thousand dollars (\$1,000.00) against the Respondent. The fine shall be paid by the Respondent to the Board of Medicine within thirty (30) days of its imposition by Final Order of the Board. **THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINES IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND THE RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF THE RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE WITHIN THIRTY (30) DAYS OF THE FILING OF THIS FINAL ORDER, THE RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY THE RESPONDENT FROM THE BOARD. (SEE EXHIBIT B, PARAGRAPH A OF THIS CONSENT AGREEMENT FOR BOARD ADDRESS AND STANDARD TERMS).**

3. DISMISSAL OF COUNT ONE OF THE ADMINISTRATIVE COMPLAINT. The Department of Health by and through the Agency for Health Care Administration stipulate and agree to dismissal of Count One of the Administrative Complaint filed against the Respondent for a violation of Section 458.331(1)(f), Florida Statutes.

4. USF DRUG COURSE. Within six (6) months of the date of the filing of a Final Order in this cause, Respondent shall attend the USF drug course. Respondent shall submit a written plan to the Chairman of the Board for approval prior to the completion of said continuing education hours and course. The Board confers authority on the Chairman of the Board to approve or disapprove said course. In addition, Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within six (6) months of the Final Order in this matter. All such documentation shall be sent to the Board of Medicine, regardless of whether some or any of such documentation was previously provided during the course of any audit or discussion with counsel for the Department. These hours shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board, said continuing medical education course shall consist of a formal, live lecture format.

5. REIMBURSEMENT OF COSTS. In addition to the amount of any fine noted above, the Respondent agrees to reimburse the Department for any administrative costs incurred in the investigation, prosecution, and preparation of this case, including costs assessed by the Division of Administrative Hearings, if applicable, and by the Board of Medicine office. The agreed upon Agency cost to be reimbursed in this case is eight hundred seventy eight dollars and four cents (\$878.04). The costs shall be paid by the Respondent to the Board of Medicine within thirty (30) days of its imposition by Final Order of the Board. **THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF THE RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE WITHIN THIRTY (30) DAYS OF THE FILING OF THIS FINAL ORDER, THE RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY THE RESPONDENT FROM THE BOARD. (SEE EXHIBIT B, PARAGRAPH D OF THIS CONSENT AGREEMENT FOR BOARD ADDRESS AND STANDARD TERMS.**

STANDARD PROVISIONS

This Consent Agreement shall be governed by the attached "Standard Terms Applicable to Consent Agreements", Exhibit B, which is incorporated as if fully set forth herein.

1. It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order incorporating the terms of this Agreement is entered by the Board.

2. Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

3. Respondent and the Department fully understand that this joint agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings against Respondent for acts or omissions not specifically set forth in the Administrative Complaint.

4. Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

5. Upon the Board's adoption of this Agreement, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this matter.

6. This agreement is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

STATE MEDICAL BOARD
OF OHIO
2001 JUL 26 PM 3:03

Exhibit B

STANDARD TERMS APPLICABLE TO CONSENT AGREEMENTS

The following are the standard terms applicable to all Consent Agreements, including supervision and monitoring provisions applicable to licensees on probation.

A. PAYMENT OF FINES. Unless otherwise directed by the Consent Agreement, all fines shall be paid by check or money order and sent to the Board address as set forth in paragraph E, below. The Board office does not have the authority to change terms of payment of any fine imposed by the Board.

B. COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. Unless otherwise directed by the Consent Agreement, all community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to the Board of Medicine at the address set forth below in paragraph E, **WITHIN ONE YEAR OF THE DATE OF THE FINAL ORDER.**

C. ADDRESSES. The Respondent must keep current residence and practice addresses on file with the Board. The Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Board within ten (10) days in the event that the Respondent leaves the active practice of medicine in Florida.

D. COSTS. Pursuant to Section 458.331(2), Florida Statutes, the Respondent shall pay all costs necessary to comply with the terms of this Consent Agreement. Such costs include, but are not limited to, the cost of preparation of Investigative Reports detailing compliance with the terms of the Consent Agreement, obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with the Respondent's probation.

E. BOARD ADDRESS. Unless otherwise directed by the Board office, all fines, reports, correspondence and inquires shall be sent to: Board of Medicine, 2020 Capital Circle SE, Bin # 03, Tallahassee, Florida 32399-3253, Attn: Final Order Compliance Officer.

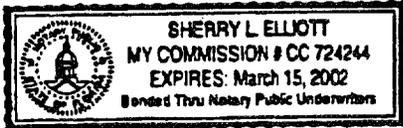
#46

SIGNED this 4th day of January, 2001.

Richard Maloney, M.D.
Richard Maloney, M.D.

Before me, personally appeared Richard Maloney, M.D. whose identity is known to me by personally (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 4th day of January, 2001.



[Signature]
NOTARY PUBLIC

My Commission Expires:

APPROVED this 22nd day of January, 2001.

Robert G. Brooks, M.D., Secretary
Department of Health

By: [Signature]
Kathryn L. Kasprzak
Chief Medical Attorney
Practitioner Regulation

STATE MEDICAL BOARD
OFFICE
2001 JUL 26 P 3:03

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,)
)
PETITIONER,)
)
v.)
)
RICHARD WEAVER MALONEY, M.D.,)
)
RESPONDENT.)
_____)

CASE NO. 1998-21732

STATE MEDICAL BOARD
OF FLORIDA
2001 JUL 26 PM 3:03

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Richard Weaver Maloney, M.D., hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

2. Respondent is and has been at all times material hereto a licensed physician in the state of Florida, having been issued license number ME 0062779. Respondent's last known address is 11181 Health Park Blvd., Suite 11, Naples, FL 34110.

3. Respondent is Board certified in Otolaryngology.
4. On or about June 25, 1998, Respondent directed and/or allowed his nurse to sign his name for a prescription of Vicodin 7.5mg, for patient L.B. Vicodin is a brand name for hydrocodone bitartrate, which is an opioid analgesic similar to codeine. Hydrocodone bitartrate is indicated for the relief of moderate to moderately severe pain.
5. Respondent's nurse filled out the prescription pad for patient L.B. for Vicodin 7.5, then signed Respondent's name followed by her initials.
6. On or about June 25, 1998, Respondent directed and/or allowed his nurse to sign his name for a prescription of Valium 10 mg, for patient L.B. Valium is a brand name for diazepam, which is a benzodiazepine. Valium is indicated for the management of anxiety disorders or the short-term relief of the symptoms of anxiety.
7. Respondent's nurse filled out the prescription pad for patient L.B. for Valium 10mg, then signed Respondent's name followed by her initials.
8. On or about June 25, 1998, Respondent directed and/or allowed his nurse to sign his name for a prescription of Keflex 500mg for patient L.B. Keflex is a brand name for cephalexin, which is a semi-synthetic cephalosporin antibiotic intended for oral administration for treatment of various infections.
9. Respondent's nurse filled out the prescription pad for patient L.B. for Keflex 500mg, then signed Respondent's name followed by her initials.
10. On or about August 24, 1998, Respondent directed and/or allowed his nurse to sign his name for a prescription of Lortab 10/500 for patient M.C. Lortab is the brand

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STATE MEDICAL BOARD
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name for hydrocodone bitartrate, which is an opioid analgesic. Lortab is indicated for the relief of moderate to moderately severe pain.

11. Respondent's nurse filled out the prescription pad for patient M.C. for Lortab 10/500, then sign Respondent's name followed by her initials.

12. On or about August 24, 1998, Respondent directed and/or allowed his nurse to sign his name for a prescription of Valtrex (valacyclovir HCl caplets), 500mg for patient M.C. Valtrex is hydrochloride salt of the antiviral drug acyclovir and is indicated for the treatment of herpes zoster (shingles).

13. Respondent's nurse filled out the prescription pad for patient M.C. for Valtrex 500mg, then signed Respondent's name followed by her initials.

14. On or about August 24, 1998, Respondent directed and/or allowed his nurse to sign his name for a prescription of Decadron 4mg, for patient M.C. Decadron is the brand name for dexamethasone, a synthetic adrenocortical steroid indicated for the potent anti-inflammatory effects in disorders of many organ systems.

15. Respondent's nurse filled out the prescription pad for patient M.C. for Decadron 4mg, then signed Respondent's name followed by her initials.

16. On or about August 24, 1998, Respondent directed and/or allowed his nurse to sign his name for a prescription of Keflex 500mg, for patient M.C. Keflex is the brand name for cephalexin, which is a semi-synthetic cephalosporin antibiotic intended for oral administration for treatment of various infections.

17. Respondent's nurse filled out the prescription pad for patient M.C. for Keflex 500mg, then signed Respondent's name followed by her initials.

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COUNT ONE

18. Petitioner realleges and incorporates paragraphs one (1) through seventeen (17), as if fully set forth herein this Count One.

19. Respondent aided an unlicensed person to practice medicine by allowing her to sign prescriptions for controlled substances, or by giving her specific permission to sign the prescription pad with Respondent's name on the signature line followed by Respondent's nurse's initials.

COUNT TWO

21. Petitioner realleges and incorporates paragraphs one (1) through seventeen (17), and paragraph nineteen (19) as if fully set forth herein this Count Two.

22. Respondent delegated professional responsibilities to a person not qualified by training, experience or licensure to perform them, by allowing a nurse to sign prescriptions for controlled substances, or by giving her specific permission to sign the prescription pad with Respondent's name on the signature line followed by the nurses's initials.

23. Based on the foregoing, Respondent violated 458.331(1)(w), Florida Statutes, by delegating professional responsibilities to a person when the licensee

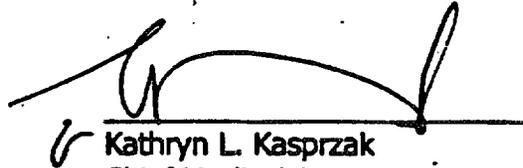
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delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, the assessment of costs related to the investigation and prosecution of this case as provided for in Section 456.072(4), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 30th day of August, 2000.

Robert G. Brooks, M.D., Secretary



Kathryn L. Kasprzak
Chief Medical Attorney

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PCP Members: Cerda, El-Bahri, Varn

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Victoria R. Kanon*
DATE 9/1/2000

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