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**CONSENT AGREEMENT  
BETWEEN  
JAMES D. TWOMLEY, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

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

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

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(19) and (26), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for impairment of ability to practice according to acceptable and prevailing standards of care because of mental illness and habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Sections 4731.22(B)(19) and (26), 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. DOCTOR TWOMLEY is licensed to practice medicine and surgery in the State of Ohio.
- D. JAMES D. TWOMLEY, M.D. ADMITS that on March 27, 1990 he was admitted to Shepherd Hill Hospital for treatment of poly-substance dependency, including alcohol, opiates, barbiturates and benzodiazepines. On May 21, 1990 DOCTOR TWOMLEY completed his inpatient treatment with a final diagnosis of poly-substance dependency and bipolar disease. At that time he was transferred to C.O.R.R. for continued treatment and was eventually discharged on August 17, 1990.

DOCTOR TWOMLEY further ADMITS that in September and October of 1991 he relapsed by taking Fiorinal with Codeine obtained through office samples.

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

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1. DOCTOR TWOMLEY shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. DOCTOR TWOMLEY shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of this Consent Agreement;
3. DOCTOR TWOMLEY shall appear in person for interviews before the full BOARD or its designated representative at three month intervals, or as otherwise directed by the BOARD;
4. In the event that DOCTOR TWOMLEY should leave Ohio for three continuous months, or reside or practice outside the State, DOCTOR TWOMLEY must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the Consent Agreement;
5. DOCTOR TWOMLEY is permitted to retain his United States Drug Enforcement Administration Certificate. However, use of this Certificate shall be expressly limited to his employment at the Marion Correctional Institute. DOCTOR TWOMLEY shall not be permitted to personally dispense or administer any controlled substances;
6. DOCTOR TOWMLEY shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of DOCTOR TWOMLEY'S history of chemical dependency;
7. DOCTOR TWOMLEY shall abstain completely from the use of alcohol;
8. DOCTOR TWOMLEY shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR TWOMLEY is to ensure that all screening reports are forwarded directly to the BOARD on a quarterly basis.

DOCTOR TWOMLEY shall submit the required urine specimens to a supervising physician to be approved by the BOARD. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results.

The supervising physician shall monitor DOCTOR TWOMLEY and provide the BOARD with reports on the doctor's progress and status.

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In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR TWOMLEY must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable;

9. The BOARD retains the right to require, and DOCTOR TWOMLEY agrees to submit, blood or urine specimens for analysis upon request and without prior notice;
10. Within 30 days of the effective date of this Consent Agreement, DOCTOR TWOMLEY shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, acceptable to the BOARD no less than three (3) times per week. At his appearances before the BOARD or its designated representative, DOCTOR TWOMLEY shall submit documentary evidence of continuing compliance with this program;
11. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR TWOMLEY shall submit to the BOARD for its prior approval the name and qualifications of a psychiatrist of his choice.

Upon approval by the full BOARD, DOCTOR TWOMLEY shall undergo and continue psychiatric treatment bi-weekly or as otherwise directed by the BOARD. DOCTOR TWOMLEY 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;

12. DOCTOR TWOMLEY shall provide all employers and the Chief of Staff at each hospital where he has, applies for or obtains privileges with a copy of this Consent Agreement.

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this Agreement shall remain in force for a minimum of three (3) years prior to any request for termination of said Agreement.

If, in the discretion of the Secretary of THE STATE MEDICAL BOARD OF OHIO, DOCTOR TWOMLEY appears to have violated or breached any terms or conditions of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

DOCTOR TWOMLEY acknowledges that he has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner.

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

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DOCTOR TWOMLEY hereby releases THE STATE MEDICAL BOARD OF OHIO, its Members, Employees, Agents, Officers and Representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and shall become effective upon the last date of signature below.

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

James D. Twomley  
JAMES D. TWOMLEY, M.D.

Carla S. O'Day, M.D.  
CARLA S. O'DAY, M.D.  
Secretary

June 5, 1992  
DATE

6/10/92  
DATE

Mr  
TIMOTHY S. JOST, ESQ.  
Supervising Member

6/10/92  
DATE

Odella Lampkin  
ODELLA LAMPKIN, ESQ.  
Assistant Attorney General

6/24/92  
DATE