

State Medical Board of Ohio

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

(614) 466-3934

med.ohio.gov

June 11, 2014

Aiyappan Menon, M.D.
7360 Hillside Lane
Marietta, GA 30066

RE: Case No. 13-CRF-104

Dear Doctor Menon:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Siobhan R. Clovis, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 11, 2014, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio, 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

Mark Bechtel
by *JR/0-10*

Mark A. Bechtel, M.D.
Secretary

MAB:jam
Enclosures

CERTIFIED MAIL NO. 91 7199 9991 7032 2938 6848
RETURN RECEIPT REQUESTED

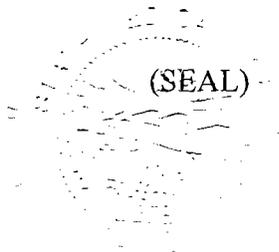
CC: Elizabeth Y. Collis, Esq.
CERTIFIED MAIL NO. 91 7199 9991 7032 2938 6855
RETURN RECEIPT REQUESTED

Mailed 07-07-14

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Siobhan R. Clovis, State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 11, 2014, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio, 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 Aiyappan Menon, M.D., Case No. 13-CRF-104, 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.



Mark A. Bechtel, M.D.
Mark A. Bechtel, M.D.
Secretary

June 11, 2014
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 13-CRF-104

AIYAPPAN MENON, M.D.

*

ENTRY OF ORDER

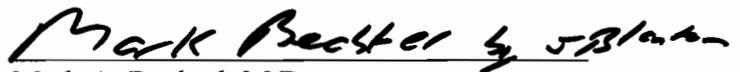
This matter came on for consideration before the State Medical Board of Ohio on June 11, 2014

Upon the Report and Recommendation of Siobhan R. Clovis, 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 herein, 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.

It is hereby ORDERED that:

MODIFICATION OF CONSENT AGREEMENT: The August 12, 2009, Step II Consent Agreement with Aiyappan Menon, M.D., is hereby modified as follows: Dr. Menon shall not request termination of the Consent Agreement for a minimum of six years. All other terms and conditions of the Consent Agreement remain in full force and effect.

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



Mark A. Bechtel, M.D.
Secretary

June 11, 2014

Date

(SEAL)

2014 MAY 15 AM 10:47

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 13-CRF-104

Aiyappan Menon, M.D.,

*

Hearing Examiner Clovis

Respondent.

*

REPORT AND RECOMMENDATION

Basis for Hearing

In a Notice of Opportunity for Hearing (“Notice”) dated November 13, 2013, the State Medical Board of Ohio (“Board”) notified Aiyappan Menon, M.D., that it proposed to determine whether to take disciplinary action against his certificate based on allegations that Dr. Menon had violated his August 12, 2009, Step II Consent Agreement with the Board.

The Board further alleged that Dr. Menon’s acts, conduct, and/or omissions 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.

Finally, the Board advised Dr. Menon of his right to request a hearing in this matter, and the Board received Dr. Menon’s request for a hearing on November 22, 2013. (State’s Exhibit (“St. Ex.”) 1A, 1B)

Appearances

Mike DeWine, Attorney General, and Kyle C. Wilcox, Assistant Attorney General, for the State of Ohio. Elizabeth Y. Collis, Esq., for Dr. Menon.

Hearing Date: February 20, 2014.

SUMMARY OF THE EVIDENCE

All exhibits and the transcript, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Education and Professional History

1. Aiyappan Menon, M.D., testified that he had attained his medical degree in 1983 from Mahatma Gandhi Memorial Medical College in Jamshedpur, India. He worked in India for

the next year as a Neurology "Houseman" at the Trivandrum Medical College. (Hearing Transcript ("Tr.") at 20)

2. Dr. Menon testified that he had immigrated to the United States in 1984. After passing the requisite examinations, he began an internal medicine residency in 1988 at Mount Sinai Hospital in Cleveland, Ohio. He completed the residency in 1991. Next, he completed a two-year nephrology fellowship at University Hospitals in Cleveland. (Tr. at 21-22)
3. Dr. Menon testified that, from 1993 through 2007, he had worked as a nephrologist for Kaiser Permanente. He spent the following two years in private practice. Following a Board suspension of his license in 2009, he began working at University Hospitals Geauga Medical Center ("Gauga Medical Center") in Chardon, Ohio. He continues to practice there as a nephrologist. (Tr. at 22-23, 141)
4. Dr. Menon is board certified in internal medicine and nephrology. (Tr. at 24)
5. Dr. Menon has a demanding practice, which he described at the hearing:

A. I work pretty much 24/7, but I have office hours on Monday, Tuesday, Wednesday morning, Thursday afternoon, and Friday all day. So during that time I see patients who walk in or have been referred by somebody.

Q. When you say 24/7, what do you mean? Do you mean you're on call?

A. Yes. My phone is on all the time.

Q. Okay.

A. And they call me all the time too, but usually I don't have to go in when they call me. I can handle it on the phone.

Q. All right.

A. I do have a covering physician but he -- I don't use him that much unless I'm on vacation for several days, then he'll cover for me.

Q. Uh-huh.

A. But otherwise, I cover myself. I don't have anybody else. So, yeah, that's the nature of the outpatient practice.

I have dialysis patients who are located in four different medical dialysis clinics which is spread out in Geauga and Lake County, so that involves a lot of driving. So I would probably spend -- I mean I would drive probably more than 100 miles almost four times a week because I would have to cover these

patients, go in and visit with them at the time that they're on. Not all of them are on at the same time, so I have to stagger the day to -- because some people are on late evening, 6:30 in the evening; some people are starting at 6:00 o'clock in the morning; and some people are on during the two shifts during the daytime.

Q. So clinically then, about how many patients do you see [i]n a week?

A. Close to a hundred; maybe more.

(Tr. at 50-52)

Consent Agreement

6. On March 12, 2009, Dr. Menon entered into a Step I Consent Agreement with the Board in lieu of formal proceedings based upon Dr. Menon's violations of Sections 4731.22(B)(19) and 4731.22(B)(26), Ohio Revised Code. The Step I Consent Agreement suspended Dr. Menon's certificate to practice medicine and surgery for an indefinite period of time, but not less than 90 days. (St. Ex. 2 at 2, 4, 14-15)
7. In the Step I Consent Agreement, Dr. Menon made certain admissions, including that he had been diagnosed with chemical dependence and bipolar disorder, and that he had voluntarily entered treatment at Glenbeigh Hospital, a Board-approved treatment provider in Rock Creek, Ohio. (St. Ex. 2 at 2-4)
8. Dr. Menon testified that his treatment at Glenbeigh had been "very successful" due to an excellent counselor and support from staff and fellow patients. After completing the requisite 28 days of inpatient treatment, he continued treatment for another three months in a halfway house with other recovering addicts. (St. Ex. 2 at 3; Tr. at 32)
9. On August 12, 2009, following completion of his Glenbeigh treatment, Dr. Menon entered into a Step II Consent Agreement with the Board. The Step II Consent Agreement reinstated Dr. Menon's certificate to practice medicine and surgery in Ohio, subject to certain probationary terms, conditions, and limitations which were to remain in force for a minimum of five years. (St. Ex. 2 at 18, 29, 43-44)
10. Dr. Menon remains subject to the terms, conditions, and limitations of his August 12, 2009, Step II Consent Agreement with the Board. (St. Ex. 2 at 29; Tr. at 60)

Violations of Requirement to Submit to Random Drug Testing

11. Paragraph 10 of the August 12, 2009, Step II Consent Agreement requires Dr. Menon to "submit to random urine screenings for drugs and alcohol at least two times per month, or as otherwise directed by the Board." Further, paragraph 10 requires that "the screening process shall require a daily call-in procedure;" and "[r]efusal to submit such specimen, or

failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.” Moreover, paragraph 10 requires Dr. Menon to “ensure that the urine screening process performed through [a] Board-approved drug testing facility and/or collection site require[] a daily call-in procedure.” (St. Ex. 2 at 20-22)

12. Danielle Bickers, Compliance Supervisor for the Board, testified about the random drug testing provisions of the Step II Consent Agreement, and Dr. Menon’s compliance issues. She testified that Dr. Menon is required to check in, by phone or through a website, with his drug-testing facility each day between the hours of 5:00 a.m. and 2:00 p.m. When he checks in, he is notified whether or not he has been selected for a random drug screen on that date, to which he must submit within the next six hours. This procedure is not explicitly stated in the Step II Consent Agreement, but rather in the contract between Dr. Menon and his drug-testing facility. (Tr. at 58-63)
13. Ms. Bickers testified that probationers are instructed to handle a missed daily check-in deadline in a certain way. Each probationer is instructed to, first, contact the Board to determine whether or not he or she was, in fact, selected for a random drug test that day. If he or she cannot make contact with a Board representative, he or she should submit to a drug test on that day. Ms. Bickers stated that this procedure shows an intent to comply, while still a technical violation of the drug-testing requirement. (Tr. at 71-72)
14. Ms. Bickers further testified that vacation or travel does not excuse a probationer from complying with his or her drug-testing requirements, unless he or she obtains a waiver from the Board. Dr. Menon has never received such a waiver of his drug-testing requirement from the Board. (Tr. at 69, 75-76, 90-91)
15. On the following dates in the year 2013, Dr. Menon failed to timely check in with his drug-testing facility as required by his Step II Consent Agreement: January 2, March 18, March 23, March 28, May 2, June 5, June 26, August 13, August 15, September 10, and September 18. Further, he did not provide a specimen for testing on any of those dates, or call in to the Board to determine whether or not he had missed a testing date. (St. Ex. 3; Tr. at 40, 65-77, 164)
16. On February 21, 2013, Dr. Menon timely checked in, but despite having been chosen to submit a specimen on that date, he failed to do so until the following day. (St. Ex. 3; Tr. at 40, 67-68)
17. On June 10, 2013, Dr. Menon timely checked in and was selected to submit a specimen. However, he failed to submit the specimen as required. (St. Ex 3; Tr. at 40, 72-73)
18. Dr. Menon testified that he did not dispute any of these violations. He advised that at least two or three of the violations occurred because he was traveling. He said that a couple of others were due to the fact that there was no male observer (as required) when he reported for his test. On September 10, 2013, he had been in Columbus for his quarterly Board

meeting. He also conceded that it was a time management problem. (Tr. at 37-40, 88, 101, 175-176)

19. Dr. Menon testified that receiving the citation letter in this case “scared the daylights” out of him. He immediately arranged for an alternate drug-testing site at which he would be guaranteed a male observer. (Tr. at 49)
20. Ms. Bickers testified that Dr. Menon has never had a positive alcohol screen during the time that the Board has monitored him. (Tr. 87)

Violations of Requirement to Attend 2 AA Meetings per Week

21. Paragraph 16 of Dr. Menon’s August 2009 Step II Consent Agreement requires that he “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.” In June 2012, the Board reduced the required meetings to twice per week, with a minimum of 10 meetings each month. (St. Ex. 2 at 26; Tr. at 78-79)
22. Dr. Menon testified that he regularly attends a certain AA meeting which is special to him, as it includes friends who helped him go to Glenbeigh. He also described a close and meaningful relationship with his AA sponsor. (Tr. at 153-154, 173-174)
23. From June through August, 2013, Dr. Menon missed 5 of his required meetings. During each of the weeks of June 9 and June 23, 2013 he attended only one meeting, and in the month of June 2013 he attended nine meetings. During the week of July 14, 2013, Dr. Menon attended only one meeting. During the week of August 11, 2013, he attended no meetings, and he attended nine meetings through the month of August 2013. (St. Ex. 4, 5; Tr. at 41, 79-81)
24. Dr. Menon explained that the week of August 11, 2013, he had been in Mexico. He stated that he can usually find an AA meeting even when he is traveling, but he was unable to do so during that trip. He also testified that that he had figured it was sufficient to do an extra meeting in a week if he missed a meeting the week before. However, he now understands that these strict requirements are meant to keep him from relapsing. (Tr. at 169, 171-172)
25. Dr. Menon described his struggle to balance his professional and personal life:

It is a matter of time. Time management. I mean I have a family. I have a 16-year-old daughter. I have a wife to whom I’ve been married 30 years this year. I get basically no time with them because I’m gone in the morning before my daughter wakes up, uh, and my wife is in bed. And usually when I get back in the evening, I barely have an hour or two to have a life.

(Tr. at 52-53)

Mitigation

26. Dr. Menon testified that his sobriety date is December 10, 2008. He explained how his life has changed since then:

Although it took a little while, I think my life is entirely different. I was given a new chance. I took it and I think I've done a good job with it. I mean I have become a better husband. I have become a better father. I've become a better friend. I've become a better doctor. I've definitely become a -- basically a more honest, straightforward, compassionate person than I was before.

(Tr. at 46, 148)

27. He further testified that he values AA and his sobriety:

Absolutely I take the principles of AA completely to heart. I practice those principles in my daily life. I apply the 12-Step process to many difficult decisions that I have to make. I help other people in any way that I can, including giving them money, if they need it.

* * *

I've not had anything. That makes me very happy, uh, happy and satisfied, such that I would never consider jeopardizing that in any small way. Never.

(Tr. at 53-55)

28. Ms. Bickers testified that, despite Dr. Menon's technical violations, she is not aware of any evidence that Dr. Menon has relapsed. (Tr. at 82)
29. As stated in his Step II Consent Agreement, Dr. Menon has been diagnosed with Depression/Anxiety and Bipolar Disorder Type II. Farid Sabet, M.D., testified that he is Dr. Menon's psychiatrist, and a specialist in addiction medicine. (Tr. at 197-198; St. Ex. 2 at 18)
30. Dr. Sabet testified that he treats Dr. Menon with medication and psychotherapy, and that the treatment has been a success. He stated:

Oh, [the medications] not only have alleviated, but I believe they have provided almost a complete relief from his original symptoms that he presented. And by the way, as I have documented and, you know, he has been a model patient as far as remaining adherent to his therapy which is not usually the course for many patients with this type of disorder.

* * *

And without mentioning his name, he is one of those model patients that I use as an example to other patients how to surround himself with sober parties with other professional colleagues and friends who have been through this path of self-discovery and recovery.

(Tr. at 201-202)

31. Dr. Sabet testified that he has never suspected that Dr. Menon has relapsed. He further stated that Dr. Menon “has gone above and beyond to be able to not only maintain his health but grow from this process, which is a sign of mental maturity.” (Tr. at 205, 207)
32. Dr. Menon testified that he also sees a psychologist, Catherine Scanlon, Ph.D., though the Board does not require it. He described her as a life coach who works with him on his marriage, fatherhood, and life in general. (Tr. at 150-151)
33. Steven Jones, President of Geauga Medical Center, testified that he is responsible for oversight of the hospital. He stated that he receives reports of any problems with physicians who have privileges at Geauga Medical Center. (Tr. at 111, 113, 118)
34. Mr. Jones stated that, although he was aware that Dr. Menon was being monitored by the Board, he has had no reports of any problems or concerns with Dr. Menon; rather, he described Dr. Menon as “a very stable force in providing high quality care” and “a critical member of [the] medical staff [who] has excellent patient care interactions. He’s collaborative and works well with his peers and with the people at the hospital.” (Tr. at 116-117, 119)
35. Mr. Jones testified that Dr. Menon is the only practicing nephrologist in Geauga County with a full continuum of care, and that a suspension of Dr. Menon’s medical license would be a major disruption of the care of nephrology patients at Geauga Medical Center and throughout the county. (Tr. at 113-114, 121-122)
36. David P. Kosnosky, D.O., testified that he is the Chief Medical Officer of the Geauga Medical Center. He has been licensed with the Board since 1984, and practices internal medicine. He advised that a major part of his role as Chief Medical Officer is receiving and dealing with complaints or concerns about medical staff. (Tr. at 129-131)
37. For about two years, Dr. Kosnosky has also been Dr. Menon’s monitoring physician, per Dr. Menon’s Step II Consent Agreement. As such, he reviews Dr. Menon’s charts and sends quarterly updates to the Board about Dr. Menon’s practice. (Tr. at 131-132, 137)
38. Dr. Kosnosky testified that he has observed nothing to cause concern in his review of Dr. Menon’s charts, and that he has never heard any sort of concerns or complaints about him from other sources. (Tr. at 132-138)

39. Dr. Kosnosky stated that he was not sure that there would adequate coverage available for Dr. Menon's practice, were he to be suspended from practice. (Tr. at 135)
40. Mini Menon testified that she is Dr. Menon's wife and a practicing psychologist who specializes in, among other areas, counseling for addiction. She and Dr. Menon have been married for almost 30 years, and have a 15-year old daughter. (Tr. at 212-215)
41. Mrs. Menon stated that she watches her husband "like a hawk," and does not suspect he has relapsed. She also advised that Dr. Menon has never complained about his Consent Agreement. (Tr. at 221, 224)
42. Mrs. Menon advised that Dr. Menon has changed significantly due to his sobriety:

A significant improvement in pretty much every area of his life in terms of being a better spouse, a responsible parent. Professionally, you know, he is a better person. He's a better person in all respects of his life than even from the time that we were married. I think he matured greatly. He has great insight of himself.

* * *

And his nature, uh, he's become a devoted spouse and parent. He is very involved in our daughter's life. He is very committed to his profession now. He takes his work very, very seriously. And he's become an all-around better person I think. Yeah, I -- I can tell you that there's a difference. It just has been so significant. He's very focused on his home life and his job life and that's about it.

I think he feels significant remorse and regret over what he has gone through and in himself. Just very hopeful for continuing the work that he's already done in meeting his sobriety and working on continuing of having a healthy relationship in the future.

(Tr. at 216-217)

FINDINGS OF FACT

1. On March 12, 2009, Aiyappan Menon, M.D., entered into a Step I Consent Agreement with the Board in lieu of formal proceedings based upon his violations of Sections 4731.22(B)(19) and 4731.22(B)(26), Ohio Revised Code, which suspended his certificate to practice medicine and surgery for an indefinite period of time, but not less than 90 days. In the March 12, 2009, Step I Consent Agreement, Dr. Menon made certain admissions, including that he was chemically dependent.

On August 12, 2009, Dr. Menon entered into a Step II Consent Agreement with the Board, in which his certificate to practice medicine and surgery in Ohio was reinstated subject to certain probationary terms, conditions, and limitation, which were to remain in force for a minimum of five years.

Dr. Menon remains subject to the terms, conditions, and limitations of the August 12, 2009, Step II Consent Agreement.

2. Paragraph 10 of the August 12, 2009, Step II Consent Agreement requires that Dr. Menon “shall submit to random urine screenings for drug and alcohol at least two times per month, or as otherwise directed by the Board.” Further, paragraph 10 requires that “the screening process shall require a daily call-in procedure”; and “[r]efusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.” Further, Dr. Menon agreed that he “shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site requires a daily call-in procedure.”

Despite these provisions, Dr. Menon failed to timely call in to the Board-approved drug testing facility, failed to contact the Board about the missed call, and failed to present to the collection site, on the following dates in 2013: January 2, March 18, March 23, March 28, May 2, June 5, June 26, August 13, August 15, September 10, and September 18. Further, although he called in and was selected on February 21, 2013, he did not submit to the urine screen until February 22, 2013. On June 10, 2013, Dr. Menon timely checked in and was selected to submit a specimen. However, he failed to submit the specimen as required.

3. Paragraph 16 of the August 12, 2009, Step II Consent Agreement requires that Dr. Menon “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.” In June 2012, the Board reduced the required drug and alcohol rehabilitation meeting requirement to two times per week, with a minimum of 10 each month.

Despite this requirement, Dr. Menon attended only one meeting in each of the following weeks of 2013: June 9, June 23, July 14, and August 11. Further, he attended nine meetings in each of the months of June and August, 2013.

CONCLUSION OF LAW

The acts, conduct, and/or omissions of Aiyappan Menon, M.D., as set forth 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 that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Rationale for Proposed Order

Dr. Menon appeared sincerely grateful for his sobriety and committed to maintaining it. There is no evidence that Dr. Menon is anything but a success story, except that he has failed to comply with certain technical requirements of his Consent Agreement. These are not small matters (as Dr. Menon conceded) because they are intended to ensure he does not relapse. However, it is apparent that Dr. Menon's violations are due to his attempts to juggle a demanding practice with being a good husband and father, rather than because of any defiance on his part against the terms of the Consent Agreement.

The Hearing Examiner believes that a six-month extension of time of Dr. Menon's probation under the Step II Consent Agreement is sufficiently punitive for Dr. Menon's violations, and also a sufficient amount of time to continue to monitor his recovery.

PROPOSED ORDER

It is hereby ORDERED that:

MODIFICATION OF CONSENT AGREEMENT: The August 12, 2009, Step II Consent Agreement with Aiyappan Menon, M.D., is hereby modified as follows:
Dr. Menon shall not request termination of the Consent Agreement for a minimum of five years and six months. All other terms and conditions of the Consent Agreement remain in full force and effect.

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


Siobhan R. Clovis, Esq.
Hearing Examiner



State Medical Board of Ohio

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

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Memorandum

TO: BOARD MEMBERS

FROM: Siobhan R. Clovis, Hearing Examiner *SRC/MSR*

RE: Aiyappan Menon, M.D.
Case No. 13-CRF-104

DATE: May 15, 2014

Please find enclosed copies of the transcript, exhibits, and Report and Recommendation concerning the adjudication hearing of Aiyappan Menon, M.D., which occurred on February 20, 2014.

This matter is scheduled for consideration at the June 11, 2014 Board meeting.

The allegations contained in the Board's notice of opportunity for hearing concern the following issues: Violation of Consent Agreement (RGP).

The following sections of the Disciplinary Guidelines were considered in drafting the Proposed Order in this matter. Please note, however, that the Disciplinary Guidelines do not limit any sanction that the Board may impose, and that the range of sanctions available in this matter extends from dismissal to permanent revocation.

VII.B: Violation of conditions of limitation, other than practice prohibitions, placed by the Board.

- The minimum penalty for section VII.B is: Indefinite suspension, min. as appropriate, with conditions for reinstatement; subsequent probation, min. 3 years.
- The maximum penalty for section VII.B is: Permanent revocation of certificate or permanent denial of application.

The Proposed Order is outside the penalties delineated for one or more of the Disciplinary Guidelines noted above.

enclosures

State Medical Board of Ohio

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

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EXCERPT FROM THE DRAFT MINUTES OF JUNE 11, 2014

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Steinbergh announced that the Board would now consider the Reports and Recommendations appearing on its agenda.

Dr. Steinbergh 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: Aiyappan Menon, M.D.; Stephen L. Pierce, M.D.; Christina Louise Summers; Elizabeth Sauter Unk, M.D.; and Jennifer Marie Weaver, P.A.

A roll call was taken:

| | | |
|------------|-----------------|-------|
| ROLL CALL: | Dr. Sethi: | - aye |
| | Mr. Gonidakis : | - aye |
| | Mr. Giacalone: | - aye |
| | Dr. Bechtel: | - aye |
| | Dr. Saferin: | - aye |
| | Dr. Soin: | - aye |
| | Mr. Kenney: | - aye |
| | Dr. Steinbergh: | - aye |

Dr. Steinbergh 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. Sethi: | - aye |
| | Mr. Gonidakis : | - aye |
| | Mr. Giacalone: | - aye |
| | Dr. Bechtel: | - aye |
| | Dr. Saferin: | - aye |
| | Dr. Soin: | - aye |
| | Mr. Kenney: | - aye |
| | Dr. Steinbergh: | - aye |

Dr. Steinbergh 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 any disciplinary matters. In the Reports and Recommendations before the Board, Dr. Bechtel served as Supervising Member.

Dr. Steinbergh noted that Dr. Saferin served as the Acting Supervising Member in the case involving Dr. Unk and is not eligible to vote in that case. However, Dr. Steinbergh stated that Dr. Saferin did not serve as Acting Supervising Member in the remaining cases and is eligible to vote in the matters involving Dr. Menon, Dr. Pierce, and Ms. Summers. On all other disciplinary matters before the Board today, Dr. Bechtel served as the Acting Secretary and Dr. Saferin served as Acting Supervising Member.

Dr. Steinbergh asked Dr. Saferin to affirm that he did not serve as the Acting Supervising Member on the Reports and Recommendations for Dr. Menon, Dr. Pierce and Ms. Summers that are before the Board.

Dr. Saferin answered in the affirmative.

Dr. Steinbergh 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.

.....
AIYAPPAN MENON, M.D.

Dr. Steinbergh directed the Board's attention to the matter of Aiyappan Menon, M.D., and stated that no objections have been filed. Ms. Clovis was the Hearing Examiner.

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Dr. Sethi moved to approve and confirm Ms. Clovis' Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Aiyappan Menon, M.D. Dr. Saferin seconded the motion.

Dr. Steinbergh stated that she would now entertain discussion in the matter.

Mr. Gonidakis reviewed Dr. Menon's credentials and said he is currently working at the Geauga Medical Center. Mr. Gonidakis said that Dr. Menon entered into a Step I Consent Agreement in 2009, which suspended his certificate for not less than 90 days for chemical dependency and bipolar disorder. In August of 2009, Dr. Menon entered into a Step II Consent Agreement and violated it by failing to submit to required random urine/drug tests ten or more times in 2013. Mr. Gonidakis said that on two of those occasions, the physician did check in but did not take the test. Mr. Gonidakis also stated that Dr. Menon missed five Alcoholics Anonymous (AA) meetings from June through August of 2013. Mr. Gonidakis stated he appreciated Dr. Menon's commitment to sobriety and that there was no evidence of relapse. Mr. Gonidakis said that Dr. Menon's employer and monitoring physician report no problems and his wife made wonderful statement about him. Mr. Gonidakis said that Dr. Menon's actions of missing numerous drug screenings is inappropriate, concerning and leads him to believe that Dr. Menon is not serious about the matter.

Mr. Gonidakis moved to amend the Proposed Order in the matter of Aiyappan Menon, M.D. to reflect that Dr. Menon shall not request termination of the Consent Agreement for a minimum of six

years after the initial ratification of the Consent Agreement, with all other terms and conditions of the Consent Agreement remaining in full force and effect. Dr. Saferin seconded the motion.

Mr. Giacalone stated that he agreed with the amendment because of the numerous drug screenings Dr. Menon missed. Mr. Giacalone said that Dr. Menon should be adhering to the Consent Agreement, which protects the public.

Dr. Steinbergh added that Dr. Menon must demonstrate that he is competent and is going to continue to be well. Dr. Steinbergh said that Dr. Menon needs to modify his lifestyle so not to be overworked and overburdened. Dr. Steinbergh stated that if Dr. Menon does not modify his lifestyle, he runs the risk of relapse and possibly the loss of his license. Dr. Steinbergh suggested that during his healing process, Dr. Menon should learn how to modify his lifestyle so that he can stay well and be successful in sobriety.

Mr. Kenney stated that the actions of Dr. Menon give the appearance that he is not taking the Consent Agreement seriously. Mr. Kenney said Dr. Menon should adhere to the Consent Agreement and if he does not, the Board will take harsher actions against him.

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| ROLL CALL: | Dr. Bechtel | - abstain |
| | Dr. Saferin | - aye |
| | Dr. Soin | - aye |
| | Dr. Steinbergh | - aye |
| | Dr. Sethi | - aye |
| | Mr. Kenney | - aye |
| | Mr. Gonidakis | - aye |
| | Mr. Giacalone | - aye |

The motion carried.

Dr. Saferin moved to approve and confirm Ms. Clovis' Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Aiyappan Menon, M.D. Dr. Soin seconded the motion.

A roll call was taken:

| | | |
|------------|----------------|-----------|
| ROLL CALL: | Dr. Bechtel | - abstain |
| | Dr. Saferin | - aye |
| | Dr. Soin | - aye |
| | Dr. Steinbergh | - aye |
| | Dr. Sethi | - aye |
| | Mr. Kenney | - aye |
| | Mr. Gonidakis | - aye |
| | Mr. Giacalone | - aye |

The motion carried.

State Medical Board of Ohio

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

(614) 466-3934

med.ohio.gov

November 13, 2013

Case number: 13-CRF-104

Aiyappan Menon, M.D.
7360 Hillside Lane
Solon, Ohio 44139

Dear Doctor Menon:

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 March 12, 2009, you entered into a Step I Consent Agreement with the Board in lieu of formal proceedings based upon your violations of Sections 4731.22(B)(19) and 4731.22(B)(26), Ohio Revised Code, which suspended your certificate to practice medicine and surgery for an indefinite period of time, but not less than 90 days. In the March 12, 2009 Step I Consent Agreement, you made certain admissions, including that you were chemically dependent.

On or about August 12, 2009, you entered into a Step II Consent Agreement with the Board [August 2009 Step II Consent Agreement], in which your certificate to practice medicine and surgery in Ohio was reinstated subject to certain probationary terms, conditions and limitations, which are to remain in force for a minimum of five years.

To date, you remain subject to all the terms, conditions and limitations of the August 2009 Step II Consent Agreement.

- (2) Paragraph 10 of the August 2009 Step II Consent Agreement requires that you "shall submit to random urine screenings for drugs and alcohol at least two times per month, or as otherwise directed by the Board." Further, paragraph 10 requires that "the screening process shall require a daily call-in procedure;" and "[r]efusal to submit such specimen, or failure to submit such specimen on the day [you are] selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement." Further you agreed that you

Mailed 11-14-13

“shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site requires a daily call-in procedure.”

Despite these provisions, you failed to timely call-in to the Board-approved drug testing facility, failed to contact the Compliance Supervisor or Compliance Officer to determine if you were scheduled to provide a specimen on that date and failed to present to the collection site on the date that you failed to call in, on or about the following days in the year of 2013: January 2, March 18, March 23, March 28, May 2, June 5, June 10, June 26, August 13, August 15, September 10 and September 18. Further although you called-in and were selected on February 21, 2013, you failed to submit to a urine screen until February 22, 2013.

- (6) Paragraph 16 of the August 2009 Step II Consent Agreement requires that you “shall 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.” On or about June 14, 2012, the Board granted your request to reduce the required drug and alcohol rehabilitation meetings to twice per week with a minimum of ten per month.

Despite these provisions, in or about the week of June 9, 2013, you attended one meeting; in or about the week of June 23, 2013, you attended one meeting; and in or about the month of June 2013, you attended nine meetings. In or about the week of July 14, 2013, you attended one meeting. In or about the week of August 11, 2013, you failed to attend any meetings and in or about the month of August, 2013, you attended nine meetings.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (6) 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 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,



J. Craig Strafford, M.D., M.P.H.
Secretary

JCS/MAP/pev
Enclosures

CERTIFIED MAIL #91 7199 9991 7032 2898 7749
RETURN RECEIPT REQUESTED

STATE MEDICAL BOARD
OF OHIO
2009 JUL 31 PM 12:42

**STEP II
CONSENT AGREEMENT
BETWEEN
AIYAPPAN MENON, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Menon 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 a violation of Section 4731.22(B)(19), Ohio Revised Code, “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills,” and/or Section 4731.22(B)(26), Ohio Revised Code, for “impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Sections 4731.22(B)(19) and (B)(26), Ohio Revised Code, as set forth in Paragraphs E through H, 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 Consent Agreement.
- C. Dr. Menon is seeking reinstatement of his certificate to practice medicine and surgery, license number 35.061918, which was indefinitely suspended, but not less than 90 days, pursuant to the Step I Consent Agreement Between Aiyappan Menon, M.D., and the State Medical Board of Ohio [March 2009 Step I Consent Agreement], effective March 12, 2009, a copy of which is attached hereto and incorporated herein.

- D. Dr. Menon states that he is not licensed to practice in any other state or jurisdiction,
- E. Dr. Menon admits that he entered treatment at Glenbeigh Hospital [Glenbeigh], a Board-approved treatment provider in Rock Creek, Ohio, on or about December 10, 2008, and that he was discharged treatment complete following completion of a 28-day residential program on or about January 9, 2009. Dr. Menon further admits that he satisfactorily completed the Intensive Outpatient Program at Glenbeigh from in or about January 10 to February 6, 2009. Dr. Menon further admits that his discharge diagnoses included Alcohol Dependence/withdrawal, Marijuana Dependence/withdrawal, Depression/Anxiety and Bipolar Disorder Type II.
- F. Dr. Menon states and the Board acknowledges receipt of information to support that he remains compliant with the terms of his aftercare contract with Glenbeigh, which is effective from on or about June 8, 2009, to June 8, 2011.
- G. Dr. Menon states and the Board acknowledges that Christopher Adelman, M.D., Medical Director of Rosary Hall in St. Vincent Charity Hospital, and Gregory Collins, M.D., Section Head, Alcohol & Drug Recovery Center of the Cleveland Clinic, both Board-approved treatment providers in Cleveland, Ohio, provided written reports indicating that Dr. Menon'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. Dr. Menon further admits that Farid Sabet, M.D., his Board-approved treating psychiatrist and a Board-approved evaluator, in Beachwood, Ohio, provided a written report indicating that Dr. Menon is receiving treatment for bipolar mood disorder and alcohol and cannabis dependence in remission and that he has been found to be 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. Menon states and the Board acknowledges that Dr. Menon has fulfilled the conditions for reinstatement of his certificate to practice medicine and surgery in the State of Ohio, as established in the March 2009 Step I Consent Agreement between Dr. Menon and the Board.

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. Menon to practice medicine and surgery in the State of Ohio shall be REINSTATED, and Dr. Menon knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

1. Dr. Menon shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Menon 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 March 2009 Consent Agreement with the Board, or as otherwise requested by 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. Menon 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 March 2009 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. Dr. Menon 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, or by the Secretary or the 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. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the probationary terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Menon resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Menon may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Menon is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.
5. In the event Dr. Menon 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. Menon shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, on the date upon which Dr. Menon's quarterly declaration is due, or as otherwise directed by the Board. Further, Dr. Menon shall make his patient records with regard to such prescribing available for review by an agent of the Board immediately upon request.
7. Dr. Menon 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. Menon to administer or personally furnish controlled substances, Dr. Menon 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 and shall be submitted to the Board no later than the date upon which Dr. Menon's quarterly declaration is due, or as otherwise directed by the Board. Further, Dr. Menon shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board immediately upon request.

Sobriety

8. Dr. Menon shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Menon's history of chemical dependency. Further, in the event that Dr. Menon is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Dr. Menon shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Dr. Menon received; the medical purpose for which he received said drug; the date such drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date said drug is so prescribed, dispensed, or administered to him, Dr. Menon shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.
9. Dr. Menon shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Drug Testing Facility and Collection Site

10. Dr. Menon shall submit to random urine screenings for drugs and alcohol at least two times per month, or as otherwise directed by the Board. Dr. Menon 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, and shall include Dr. Menon's drug(s) of choice.

Dr. Menon shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen. Dr. Menon acknowledges that he understands that the consumption or use of such substances, including but not limited to substances such as mouthwash or hand cleaning gel, may cause a positive drug screen that may not be able to be differentiated from intentional ingestion, and therefore such consumption or use is prohibited under this Consent Agreement.

All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site pursuant to the global contract between said facility and the Board, that provides for the Board to maintain ultimate control over the urine screening process and to preserve the confidentiality of all positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code, and the screening process shall require a daily call-in procedure. Further, in the event that the Board exercises its discretion, as provided in Paragraph 11 below, to approve urine screenings to be conducted at an alternative drug testing facility and/or collection site or a supervising physician, such approval shall be expressly contingent upon the Board retaining ultimate control over the urine screening process in a manner that preserves the aforementioned confidentiality of all positive screening results.

Dr. Menon shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Menon shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Consent Agreement. Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

Further, within thirty days of the effective date of this Consent Agreement, Dr. Menon shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug testing facility and/or collection site in order to facilitate the urine screening process in the manner required by this Consent Agreement. Further, Dr. Menon shall promptly provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Menon and the Board-approved drug testing facility and/or collection site. Dr. Menon's failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Consent Agreement. However, Dr. Menon and the Board further agree that in the event Dr. Menon previously entered into the aforementioned

financial and contractual agreements pursuant to the requirements of a prior consent agreement with the Board under which Dr. Menon is currently participating in an ongoing urine screening process, then this requirement shall be waived under the instant consent agreement.

Dr. Menon shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site requires a daily call-in procedure; 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, Dr. Menon and the Board-approved drug testing facility and collection site shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Menon shall ensure that the Board-approved drug testing facility and/or collection site provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

In the event that the Board-approved drug testing facility and/or collection site becomes unable or unwilling to serve as required by this Consent Agreement, Dr. Menon must immediately notify the Board in writing, and make arrangements acceptable to the Board pursuant to Paragraph 11 below, as soon as practicable. Dr. Menon shall further ensure that the Board-approved drug testing facility and/or collection site also notifies the Board directly of its inability to continue to serve and the reasons therefore.

Dr. Menon acknowledges that the Board expressly reserves the right to withdraw its approval of any drug testing facility and/or collection site in the event that the Secretary and Supervising Member of the Board determine that the drug testing facility and/or collection site has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

11. Dr. Menon and the Board agree that it is the intent of this Consent Agreement that Dr. Menon shall submit his urine specimens to the Board-approved drug testing facility and collection site chosen by the Board. However, in the event that utilizing said Board-approved drug testing facility and/or collection site creates an extraordinary hardship upon Dr. Menon, as determined in the sole discretion of the Board, then subject to the following requirements, the Board may approve an alternate drug testing facility and/or collection site, or a supervising physician, to facilitate the urine screening process for Dr. Menon:
 - a. Within thirty days of the date upon which Dr. Menon is notified of the Board's determination that utilizing the Board-approved drug testing facility and/or collection site constitutes an extraordinary hardship upon Dr. Menon, he shall

submit to the Board in writing for its prior approval the identity of either an alternate drug testing facility and collection site, or the name of a proposed supervising physician, to whom Dr. Menon shall submit the required urine specimens. In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Dr. Menon's residence or employment location, or to a physician who practices in the same locale as Dr. Menon. Dr. Menon shall ensure that the urine screening process performed through the alternate drug testing facility and/or collection site, or through the supervising physician, requires a daily call-in procedure; 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, Dr. Menon acknowledges that the alternate drug testing facility and collection site, or the supervising physician, shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

- b. Dr. Menon shall ensure that the alternate drug testing facility and/or collection site, or the supervising physician, provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.
- c. In the event that the designated alternate drug testing facility and/or collection site, or the supervising physician, becomes unable or unwilling to so serve, Dr. Menon must immediately notify the Board in writing. Dr. Menon shall further ensure that the previously designated alternate drug testing facility and collection site, or the supervising physician, also notifies the Board directly of the inability to continue to serve and the reasons therefore. Further, in order to ensure that there will be no interruption in his urine screening process, upon the previously approved alternate drug testing facility, collection site, or supervising physician becoming unable to serve, Dr. Menon shall immediately commence urine screening at the Board-approved drug testing facility and collection site chosen by the Board, until such time, if any, that the Board approves a subsequent alternate drug testing facility, collection site, or supervising physician, if requested by Dr. Menon.
- d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Dr. Menon's designated alternate drug testing facility and/or collection site, or any person proposed to serve as his supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

- e. In the event that the Board approved an alternate drug testing facility and/or collection site, or a supervising physician, pursuant to the March 2009 Step I Consent Agreement between Dr. Menon and the Board, Dr. Menon and the Board agree that the entity, facility or person previously approved by the Board to so serve pursuant to the March 2009 Step I Consent Agreement is hereby approved to continue as Dr. Menon's designated alternate drug testing facility and collection site or as his supervising physician under this Consent Agreement.
12. All screening reports required under this Consent Agreement from the Board-approved drug testing facility and/or collection site, or from the alternate drug testing facility and/or collection site or supervising physician, must be received in the Board's offices no later than the due date for Dr. Menon's quarterly declaration. It is Dr. Menon's responsibility to ensure that reports are timely submitted.
13. The Board retains the right to require, and Dr. Menon agrees to submit, blood, urine, breath, saliva and/or hair specimens for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Menon, or for any other purpose, at Dr. Menon's expense upon the Board's request and without prior notice. Dr. Menon's refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

Psychiatric Treatment

14. Dr. Menon and the Board agree that the person previously approved by the Board to serve as Dr. Menon's psychiatrist pursuant to the March 2009 Step I Consent Agreement is hereby approved to continue as Dr. Menon's designated psychiatrist under this Consent Agreement, unless within thirty days of the effective date of this Consent Agreement, Dr. Menon submits to the Board for its prior approval the name and curriculum vitae of an alternative psychiatrist. Dr. Menon shall undergo and continue psychiatric treatment monthly or as otherwise directed by the Board. Dr. Menon shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his psychiatric disorder. Dr. Menon 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. Menon's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Menon's compliance with his treatment plan; Dr. Menon's mental status; Dr. Menon's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Menon 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. Menon is unable to practice due to his psychiatric disorder. It is Dr. Menon's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Menon's quarterly declaration.

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

The Board expressly reserves the right to disapprove any psychiatrist proposed to serve as Dr. Menon's designated treating psychiatrist, or to withdraw approval of any such psychiatrist previously approved to serve as Dr. Menon's designated treating psychiatrist, in the event that the Secretary and Supervising Member of the Board determine that any such psychiatrist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Monitoring Physician

15. Before engaging in any medical practice, Dr. Menon shall submit to the Board in writing 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. Menon and who is engaged in the same or similar practice specialty.

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

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

The Board expressly reserves the right to disapprove any person proposed to serve as Dr. Menon's designated monitoring physician, or to withdraw approval of any person previously approved to serve as Dr. Menon's designated monitoring physician, in the event that the Secretary and Supervising Member of the Board determine that any such monitoring physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Rehabilitation Program

16. Dr. Menon shall 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. Menon shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Menon's quarterly declarations.

Aftercare

17. Dr. Menon shall contact an appropriate impaired physicians committee, approved by the Board, to arrange for assistance in recovery or aftercare.
18. Dr. Menon shall maintain continued compliance with the terms of the aftercare contract entered into with a Board-approved treatment provider, provided that, where terms of the aftercare contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Releases

19. Dr. Menon 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. Menon's chemical dependency and/or psychiatric treatment or monitoring 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. To

the extent permitted by law, 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. Menon 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.

Required Reporting by Licensee

20. Within thirty days of the effective date of this Consent Agreement, Dr. Menon shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training, and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Menon shall promptly 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. In the event that Dr. Menon provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Menon shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Menon shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
21. Within thirty days of the effective date of this Consent Agreement, Dr. Menon shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Menon further agrees to provide a copy of this Consent Agreement 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. Menon shall provide the Board with one of the following documents as proof of each required

notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

22. Dr. Menon shall promptly provide a copy of this Consent Agreement to all persons and entities that provide Dr. Menon chemical dependency treatment and/or psychiatric treatment or monitoring. Further, Dr. Menon shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
23. Dr. Menon shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Menon 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. Menon has violated any term, condition or limitation of this Consent Agreement, Dr. Menon 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. Menon shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Menon 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.

In the event that the Board initiates future formal proceedings against Dr. Menon, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Menon 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.

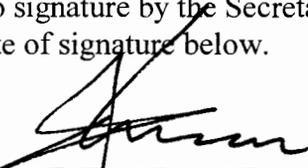
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

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



AIYAPPAN MENON, M.D.

DATE

7/29 '09



LANCE A. TALMAGE, M.D.
Secretary

DATE

8-12-09



RAYMOND J. ALBERT
Supervising Member

DATE

8/12/09



MARCIE PASTRICK
Enforcement Attorney

DATE

8/4/2009

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**STEP I
CONSENT AGREEMENT
BETWEEN
AIYAPPAN MENON, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Menon 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 violation of Section 4731.22(B)(19), Ohio Revised Code, “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills,” and/or 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 Sections 4731.22(B)(19) 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. Menon is licensed to practice medicine and surgery in the State of Ohio, License number 35.061918.
- D. Dr. Menon states that he is not licensed to practice in any other state or jurisdiction.

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- E. Dr. Menon admits that on December 10, 2008, he voluntarily entered treatment for chemical dependence of alcohol and marijuana, at Glenbeigh Hospital [Glenbeigh], a Board-approved treatment provider in Rock Creek, Ohio, due to his relapse on alcohol and marijuana. Dr. Menon further admits that recent adverse events related to alcohol and/or marijuana use precipitated this treatment. Dr. Menon further admits that on August 1, 2007, a police officer responded to a report that Dr. Menon was suspected to have been drinking alcoholic beverages was unconscious or sleeping in his car. Dr. Menon further admits that the police officer placed him under arrested, and charged him with Open Container – Stationary Motor Vehicle and with Physical Control of a Motor Vehicle While Under the Influence of Alcohol. Dr. Menon further admits that on December 19, 2007, in the Bedford Municipal Court in Solon, Ohio, he entered a plea of no contest to and was found guilty of the charge of Physical Control, and the charge of Open Container was dismissed. Dr. Menon further admits that consequently, the Court suspended his driver license for 90 days, ordered him to serve 30 days in jail with 27 days suspended, and awarded credit for three days which were to be served in a three-day intervention class.

Dr. Menon further admits that on April 7, 2008, in Solon, Ohio, a police officer responded to an injury car accident where Dr. Menon rear-ended another vehicle. Dr. Menon further admits that he was arrested for Driving Under the Influence of Alcohol/Drugs; and on August 13, 2008, in the Bedford Municipal Court in Solon, Ohio, he entered a plea of no contest to and was found guilty of a reduced charge of Reckless Operation and was fined \$1000.00.

Dr. Menon further admits that he reported to a Board investigator on September 9, 2008, that recently he had received a diagnosis of bipolar disorder and that for several months he suffered from severe depression.

Dr. Menon further admits that during or about 2004, he completed thirty days of residential treatment for depression and alcohol abuse at the Cleveland Clinic Foundation, a Board-approved treatment provider in Cleveland, Ohio. Dr. Menon further admits that, thereafter, he participated in random urine screenings for drugs and alcohol, and attended approximately 300 A.A. meetings, but relapsed in or about August 2006 following the death of his father.

- F. Dr. Menon admits that he voluntarily entered treatment for chemical dependency at Glenbeigh on or about on December 10, 2008, and that he was discharged from treatment following completion of at least 28 days in a residential program on or about January 9, 2009. Dr. Menon further admits that he was transferred directly from residential treatment to intensive outpatient treatment. Dr. Menon further admits that on February 6, 2009, he was discharged from outpatient treatment to aftercare treatment. Dr. Menon further admits that at this time, he remains in aftercare treatment, which includes residing in Glenbeigh's three-quarter house for sober living and will maintain residence at the three-quarter house for an undetermined period of time. Dr. Menon

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further admits that his discharge diagnoses included Alcohol Dependence/withdrawal, Marijuana Dependence/withdrawal, Depression/Anxiety and Bipolar Disorder Type II.

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

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Menon to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than 90 days.

Obey all Laws

2. Dr. Menon shall obey all federal, state, and local laws.

Sobriety

3. Dr. Menon shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Menon's history of chemical dependency. Further, in the event that Dr. Menon is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Dr. Menon shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Dr. Menon received; the medical purpose for which he received said drug; the date such drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date said drug is so prescribed, dispensed, or administered to him, Dr. Menon shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.
4. Dr. Menon shall abstain completely from the use of alcohol.

Absences from Ohio

5. Dr. Menon 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, or by the Secretary or the 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. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth

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in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Menon resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Menon may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Menon is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.

Releases; Quarterly Declarations and Appearances

6. Dr. Menon 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. Menon's chemical dependency, psychiatric condition 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. To the extent permitted by law, 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. Menon 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.
7. Dr. Menon 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, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
8. Dr. Menon 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; Drug Testing Facility and Collection Site

9. Dr. Menon shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Dr. Menon shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug

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testing panel utilized must be acceptable to the Secretary of the Board, and shall include Dr. Menon's drug(s) of choice.

Dr. Menon shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen. Dr. Menon acknowledges that he understands that the consumption or use of such substances, including but not limited to substances such as mouthwash or hand cleaning gel, may cause a positive drug screen that may not be able to be differentiated from intentional ingestion, and therefore such consumption or use is prohibited under this Consent Agreement.

All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site, except as provided in Paragraph 10 below, and the screening process shall require a daily call-in procedure.

Dr. Menon shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Menon shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Consent Agreement. Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

Further, within thirty days of the effective date of this Consent Agreement, Dr. Menon shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug testing facility and/or collection site in order to facilitate the urine screening process in the manner required by this Consent Agreement. Further, Dr. Menon shall promptly provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Menon and the Board-approved drug testing facility and/or collection site. Dr. Menon's failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Consent Agreement.

Dr. Menon shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site requires a daily call-in procedure; 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, Dr. Menon and the Board-approved drug testing facility and collection site shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Menon shall ensure that the Board-approved drug testing facility and/or collection site provides quarterly reports to the Board, in a format acceptable to the Board,

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verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

In the event that the Board-approved drug testing facility and/or collection site becomes unable or unwilling to serve as required by this Consent Agreement, Dr. Menon must immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph 10 below, as soon as practicable. Dr. Menon shall further ensure that the Board-approved drug testing facility and/or collection site also notifies the Board directly of its inability to continue to serve and the reasons therefore.

Dr. Menon acknowledges that the Board expressly reserves the right to withdraw its approval of any drug testing facility and/or collection site in the event that the Secretary and Supervising Member of the Board determine that the drug testing facility and/or collection site has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

10. Dr. Menon and the Board agree that it is the intent of this Consent Agreement that Dr. Menon shall submit his urine specimens to the Board-approved drug testing facility and collection site chosen by the Board. However, in the event that utilizing said Board-approved drug testing facility and/or collection site creates an extraordinary hardship upon Dr. Menon, as determined in the sole discretion of the Board, then subject to the following requirements, the Board may approve an alternate drug testing facility and/or collection site, or a supervising physician, to facilitate the urine screening process for Dr. Menon:
 - a. Within thirty days of the date upon which Dr. Menon is notified of the Board's determination that utilizing the Board-approved drug testing facility and/or collection site constitutes an extraordinary hardship upon Dr. Menon, he shall submit to the Board in writing for its prior approval the identity of either an alternate drug testing facility and collection site, or the name of a proposed supervising physician, to whom Dr. Menon shall submit the required urine specimens. In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Dr. Menon's residence or employment location, or to a physician who practices in the same locale as Dr. Menon. Dr. Menon shall ensure that the urine screening process performed through the alternate drug testing facility and/or collection site, or through the supervising physician, requires a daily call-in procedure; 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, Dr. Menon acknowledges that the alternate drug testing facility and collection site, or the supervising physician, shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

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- b. Dr. Menon shall ensure that the alternate drug testing facility and/or collection site, or the supervising physician, provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.
 - c. In the event that the designated alternate drug testing facility and/or collection site, or the supervising physician, becomes unable or unwilling to so serve, Dr. Menon must immediately notify the Board in writing. Dr. Menon shall further ensure that the previously designated alternate drug testing facility and collection site, or the supervising physician, also notifies the Board directly of the inability to continue to serve and the reasons therefore. Further, in order to ensure that there will be no interruption in his urine screening process, upon the previously approved alternate drug testing facility, collection site, or supervising physician becoming unable to serve, Dr. Menon shall immediately commence urine screening at the Board-approved drug testing facility and collection site chosen by the Board, until such time, if any, that the Board approves a subsequent alternate drug testing facility, collection site, or supervising physician, if requested by Dr. Menon.
 - d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Dr. Menon's designated alternate drug testing facility and/or collection site, or any person proposed to serve as his supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.
11. All screening reports required under this Consent Agreement from the Board-approved drug testing facility and/or collection site, or from the alternate drug testing facility and/or collection site or supervising physician, must be received in the Board's offices no later than the due date for Dr. Menon's quarterly declaration. It is Dr. Menon's responsibility to ensure that reports are timely submitted.
 12. The Board retains the right to require, and Dr. Menon agrees to submit, blood, urine, breath, saliva and/or hair specimens for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Menon, or for any other purpose, at Dr. Menon's expense upon the Board's request and without prior notice. Dr. Menon's refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

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13. Within thirty days of the effective date of this Consent Agreement, Dr. Menon 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. Menon shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Menon's quarterly declarations.

14. Immediately upon completion of any required treatment for chemical dependency, Dr. Menon shall enter into an aftercare contract with a Board-approved treatment provider and shall maintain continued compliance with the terms of said aftercare contract, provided that, where the terms of the aftercare contract conflict with the 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. Menon 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. Menon shall undergo and continue psychiatric treatment monthly or as otherwise directed by the Board. Dr. Menon shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his psychiatric disorder. Dr. Menon 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. Menon's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Menon's compliance with his treatment plan; Dr. Menon's mental status; Dr. Menon's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Menon 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. Menon is unable to practice due to his psychiatric disorder. It is Dr. Menon's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Menon's quarterly declaration.

In the event that the designated treating psychiatrist becomes unable or unwilling to serve in this capacity, Dr. Menon must immediately so notify the Board in writing. In addition, Dr. Menon shall make arrangements acceptable to the Board for another treating psychiatrist within thirty days after the previously designated treating psychiatrist becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Menon shall ensure that the previously designated treating

psychiatrist also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

The Board expressly reserves the right to disapprove any psychiatrist proposed to serve as Dr. Menon's designated treating psychiatrist, or to withdraw approval of any such psychiatrist previously approved to serve as Dr. Menon's designated treating psychiatrist, in the event that the Secretary and Supervising Member of the Board determine that any such psychiatrist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

CONDITIONS FOR REINSTATEMENT

16. The Board shall not consider reinstatement or restoration of Dr. Menon's certificate to practice medicine and surgery until all of the following conditions are met:
 - a. Dr. Menon shall submit an application for reinstatement or restoration, as appropriate, accompanied by appropriate fees, if any.
 - b. Dr. Menon 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. Menon has successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical abuse/dependence, as set forth in Rules 4731-16-02 and 4731-16-08, Ohio Administrative Code, completed consecutively.
 - ii. Evidence of continuing full compliance with, or successful completion of, 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. Three written reports indicating that Dr. Menon's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care.

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Two reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Menon. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Menon shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Menon, and any conditions, restrictions, or limitations that should be imposed on Dr. Menon's practice. The reports shall also describe the basis for the evaluator's determinations.

One report shall be made by a psychiatrist, approved in advance by the Board, who shall conduct a psychiatric examination of Dr. Menon. Prior to the examination, Dr. Menon shall provide the psychiatrist with copies of patient records from any prior evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The report from the evaluating psychiatrist shall include the psychiatrist's diagnoses and conclusions; any recommendations for care, counseling, and treatment for the psychiatric diagnoses; any conditions, restrictions, or limitations that should be imposed on Dr. Menon's practice; and the basis for the psychiatrist's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

- c. Dr. Menon shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board within 180 days of the date upon which all the above-specified conditions for reinstatement or restoration have been completed or, if the Board and Dr. Menon are unable to agree on the terms of a written Consent Agreement, then Dr. Menon 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. The Board shall provide notice to Dr. Menon that said hearing has been scheduled, advising Dr. Menon of his hearing rights, and stating the date, time, and location of the hearing at which the Board will present its evidence, after which the Board will make a determination of the matter by Board Order.

Further, upon reinstatement of Dr. Menon'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

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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. Menon 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. Menon has maintained sobriety.

17. In the event that Dr. Menon 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. Menon's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

18. Within thirty days of the effective date of this Consent Agreement, Dr. Menon shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Menon shall promptly 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. In the event that Dr. Menon provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Menon shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Menon shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
19. Within thirty days of the effective date of this Consent Agreement, Dr. Menon shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Menon further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority

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of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Menon shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

20. Dr. Menon shall promptly provide a copy of this Consent Agreement to all persons and entities that provide Dr. Menon chemical dependency and/or psychiatric treatment or monitoring. Further, Dr. Menon shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
21. Dr. Menon shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

DURATION/MODIFICATION OF TERMS

The above-described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties. In the event that the Board initiates future formal proceedings against Dr. Menon, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

FAILURE TO COMPLY

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

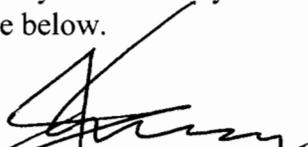
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

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



AIYAPPAN MENON, M.D.

March 3 2009

DATE



LANCE A. TALMAGE, M.D. *rw*
Secretary

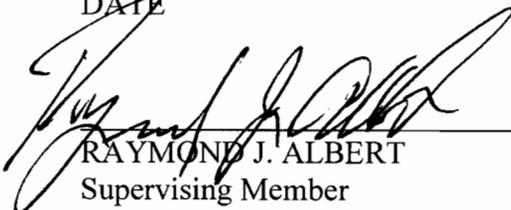
3/12/09

DATE

OHIO STATE MEDICAL BOARD

MAR - 4 2009

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RAYMOND J. ALBERT
Supervising Member

3/11/09

DATE

Marcie Pastrick

MARCIE PASTRICK
Enforcement Attorney

March 5, 2009

DATE

OHIO STATE MEDICAL BOARD

MAR - 4 2009

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