



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

January 15, 1993

Antonio Cardona, M.D.
7119 Shawnee Way
Reynoldsburg, Ohio 43068

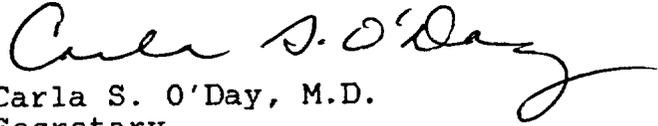
Dear Doctor Cardona:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on January 13, 1993, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO


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

CSO:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 055 326 083
RETURN RECEIPT REQUESTED

Mailed 1/21/93



STATE MEDICAL BOARD OF OHIO

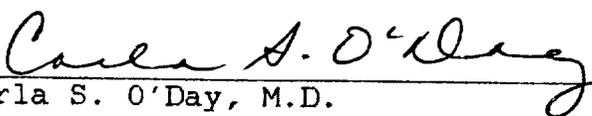
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board; and an excerpt of Minutes of the State Medical Board, meeting in regular session on January 13, 1993, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Antonio Cardona, M.D., 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.

(SEAL)



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

1 / 15 / 93

Date



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

ANTONIO CARDONA, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 13th day of January, 1993.

Upon the Report and Recommendation of Wanita J. Sage, Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon 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:

1. The certificate of Antonio Cardona, M.D., to practice medicine and surgery in the State of Ohio shall be permanently REVOKED. Such revocation is STAYED, and Dr. Cardona's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five (5) years:
 - a. Dr. Cardona shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - b. Dr. Cardona shall submit quarterly declarations under penalty of perjury stating whether or not there has been compliance with the all the provisions of probation.
 - c. Dr. Cardona shall appear in person for interviews before the full Board or its designated representative at three (3) month intervals, or as otherwise requested by the Board.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

Antonio Cardona, M.D.

- d. In the event that Dr. Cardona should leave Ohio for three (3) consecutive months, or reside or practice outside the State, Dr. Cardona must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
- e. Dr. Cardona shall keep a log of all controlled substances purchased, prescribed, dispensed, or administered. Such logs shall be submitted in the format approved by the Board thirty (30) days prior to Dr. Cardona's personal appearances before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Cardona shall make his patient records with regard to such prescribing available for review by an agent of the State Medical Board upon request.
- f. Dr. Cardona shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of Dr. Cardona's history of chemical dependency.
- g. Dr. Cardona shall abstain completely from the use of alcohol.
- h. Dr. Cardona shall submit to random urine screenings for drugs and alcohol on a bi-weekly basis or as otherwise directed by the Board. Dr. Cardona shall ensure that all screening reports are forwarded directly to the Board on a monthly basis. Dr. Cardona shall submit the required urine specimens to a supervising physician to be approved by the Board. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the Board of any positive screening results. In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Cardona must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

Antonio Cardona, M.D.

- i. Dr. Cardona shall submit blood or urine specimens for analysis without prior notice at such times as the Board may request.
- j. Dr. Cardona shall maintain participation in an alcohol and drug rehabilitation program acceptable to the Board, such as AA, NA, Caduceus, or any other program approved in advance by the Board, no less than three (3) times per week, or as otherwise directed by the Board. At Dr. Cardona's appearances before the Board or its designated representative, Dr. Cardona shall submit acceptable documentary evidence of continuing compliance with this program. Further, by the tenth (10th) day of each month, Dr. Cardona shall submit to the State Medical Board a calendar for the previous month on which he has marked each date of attendance at such meetings, demonstrating his attendance at at least three (3) meetings each calendar week from Sunday through Saturday.
- k. Dr. Cardona shall obtain the prior approval of the Board for any medical practice or employment related to the health care fields. Prior to approval or disapproval of the proposed employment, the Board shall consider, among other factors, the adequacy and continuity of supervision and the feasibility of restricted access to controlled substances, which will ensure the protection of the public.
- l. Dr. Cardona shall provide a copy of this Order to all employers and the Chief of Staff at each hospital where he has, applies for, or obtains privileges.
- m. Dr. Cardona shall continue psychiatric treatment with Dr. Mark Hurst or another psychiatrist approved by the Board, at such intervals as are deemed appropriate by the treating psychiatrist but not less than twice per month, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Dr. Cardona shall ensure that these reports are forwarded to the Board on a quarterly basis, or as otherwise directed by the Board.



STATE MEDICAL BOARD OF OHIO

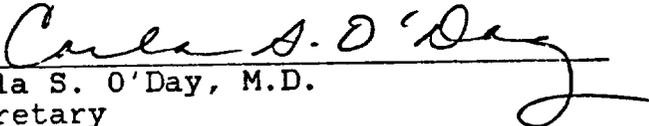
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

Page 4

Antonio Cardona, M.D.

2. If Dr. Cardona violates probation in any respect, the Board, after giving Dr. Cardona notice and the opportunity to be heard, may set aside the stay order and impose the revocation of Dr. Cardona's certificate.
3. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Cardona's certificate will be fully restored.

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



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

(SEAL)

1/15/93

Date

REPORT AND RECOMMENDATION
IN THE MATTER OF ANTONIO CARDONA, M.D. NOV 27 PM 2:09

The Matter of Antonio Cardona, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on October 27, 1992.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter of September 9, 1992 (State's Exhibit #1), the State Medical Board notified Antonio Cardona, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board alleged that, on or about December 19, 1991, Dr. Cardona entered into a new Consent Agreement with the State Medical Board of Ohio, which fully incorporated the terms and conditions of a June 26, 1991, Consent Agreement that he had entered into as a licensure applicant, based upon previous treatment for chemical dependency. Clause 10 of Dr. Cardona's Consent Agreement required him to abstain completely from the use of alcohol. By letter date April 22, 1992, Dr. Cardona informed the State Medical Board that he had relapsed and "drank several beers" on April 4, 1992. At his initial appearance before the full Board on May 14, 1992, he confirmed this relapse and further stated that it had consisted of consecutive Saturdays of drinking. In addition, Clause 13 of Dr. Cardona's Consent Agreement required him to maintain participation in an alcohol and drug rehabilitation program acceptable to the Board no less than two times per week. By letter dated July 31, 1992, Dr. Cardona informed the State Medical Board that he had not attended the required alcohol and drug rehabilitation programs during the month of June. Dr. Cardona reiterated this information to a Board staff member during an August 7, 1992, telephone call. The Board alleged that Dr. Cardona's acts, conduct, and/or omissions constituted "violation of the conditions of limitation placed by the Board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued", as that clause is used in Section 4731.22(B)(15), Ohio Revised Code. Dr. Cardona was advised of his right to request a hearing in this Matter.
- B. By letter received by the State Medical Board on September 21, 1992 (State's Exhibit #2), Dr. Cardona requested a hearing.

92 NOV 27 PM 2:09

II. Appearances

- A. On behalf of the State of Ohio: Lee I. Fisher, Attorney General, by Anne C. Berry, Assistant Attorney General
- B. Dr. Cardona appeared on his own behalf, without counsel.

III. Testimony Heard

- A. Presented by the State: Antonio Cardona, M.D., as on cross-examination
- B. Presented by the Respondent: Dr. Cardona testified on his own behalf.

IV. Exhibits Examined

In addition to State's Exhibits #1 and #2, noted above, the following exhibits were identified and admitted into evidence in this Matter:

- A. Presented by the State
 - 1. State's Exhibit #3: September 22, 1992, letter to Dr. Cardona from the State Medical Board, advising that a hearing initially set for October 5, 1992, was postponed pursuant to Section 119.09, Ohio Revised Code.
 - 2. State's Exhibit #4: September 28, 1992, letter to Dr. Cardona from the State Medical Board, scheduling the hearing for October 27, 1992.
 - 3. State's Exhibits #5 and #6 (duplicates): Copies of Dr. Cardona's December 19, 1991, and June 20, 1991, Consent Agreements with the State Medical Board.
 - 4. State's Exhibit #7: April 22, 1992, letter to the State Medical Board from Dr. Cardona, advising of his April 4 relapse.
 - 5. State's Exhibit #8: Excerpt from the minutes of the May 14, 1992, meeting of the State Medical Board with regard to Dr. Cardona's appearance.
 - 6. State's Exhibit #9: July 31, 1992, letter to the State Medical Board from Dr. Cardona, advising of his compliance with his Consent Agreement, except for meeting attendance during the month of June.

STATE MEDICAL BOARD
NOV 27 PM 2:09

- B. Presented by the Respondent
1. Respondent's Exhibit A: Dr. Cardona's AA/NA Attendance Logs from July 28, 1991, through October 26, 1992.
 2. Respondent's Exhibit B: September 21, 1992, letter to Dr. O'Day from Jackie Underwood, M.D., with regard to Dr. Cardona's porphyria condition.
 3. Respondent's Exhibit C: September 15, 1992, letter to the State Medical Board from John Paul King, M.D., Kingscourt Medical Center, with regard to Dr. Cardona's employment.
 4. Respondent's Exhibit D: August 6, 1992, letter to the State Medical Board from Daniel R. Merz, Ph.D., regarding Dr. Cardona's therapy and recovery status.
 5. Respondent's Exhibit E: Letters dated May 19, 1992, and July 23, 1992, to the State Medical Board from Mark A. Hurst, M.D., regarding Dr. Cardona's therapy and recovery status.
 6. Respondent's Exhibit F: August 11, 1992, letter to Jackie Underwood, M.D., from Dr. Cardona, requesting a report for the State Medical Board regarding his treatment for porphyria.

FINDINGS OF FACT

1. On or about June 20, 1991, Antonio Cardona, M.D., as a licensure applicant, entered into a Consent Agreement with the State Medical Board of Ohio, based upon his history of treatment for chemical dependency at Shepherd Hill Hospital from November 11, 1986, to July 10, 1987. This Agreement required Dr. Cardona to take and pass the SPEX examination and to submit to a mental and/or physical examination prior to becoming licensed to practice medicine in Ohio, and imposed various probationary terms, conditions, and limitations to become effective upon his licensure.

On December 19, 1991, Dr. Cardona entered into a new Consent Agreement with the State Medical Board, under which he became licensed to practice medicine in Ohio. This Consent Agreement

92 NOV 27 PM 2:09

imposed probationary terms, conditions, and limitations for a minimum of two years, fully incorporating the terms, limitations, and conditions of his June 20, 1991, Consent Agreement.

These facts are established by State's Exhibits #5 and #6 and the testimony of Dr. Cardona (Tr. at 12-18).

2. Clause 10 of Dr. Cardona's Consent Agreement states: "DOCTOR CARDONA shall abstain completely from the use of alcohol".

Nevertheless, by letter dated April 22, 1992, Dr. Cardona informed the State Medical Board that he had relapsed and "drank several beers" on April 4, 1992. Dr. Cardona's letter indicated that he had discussed this incident with both his supervising physician and his psychiatrist, and had increased his attendance at AA meetings in an effort to strengthen his recovery program.

At Dr. Cardona's initial probationary appearance before the full Board on May 14, 1992, Dr. Cardona confirmed the relapse on April 4, 1992, and stated that it had consisted of "consecutive Saturdays of drinking." He again indicated that he had increased the number of AA meetings he attended, as well as seeking other support.

These facts are established by State's Exhibits #5 through #8.

3. Clause 13 of Dr. Cardona's Consent Agreement states: "Within 30 days of the effective date of this Consent Agreement, DOCTOR CARDONA shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, acceptable to the BOARD no less than two (2) times per week, or as otherwise directed by the BOARD. At his appearances before the BOARD or its designated representative, DOCTOR CARDONA shall submit documentary evidence of continuing compliance with this program".

By letter dated July 31, 1992, Dr. Cardona informed the State Medical Board that he had not attended the required alcohol and drug rehabilitation programs during the month of June, 1992. In fact, according to the AA logs Dr. Cardona submitted at hearing, he attended only one AA meeting during that month, on June 28, 1992.

These facts are established by State's Exhibits #5, #6, and #9 and Respondent's Exhibit A.

4. At hearing, Dr. Cardona admitted that he had drunk beer, not only on Saturday, April 4, 1992, but also on the two Saturdays immediately prior to that date. His drinking on April 4th had developed into an "acting out thing" where the police were called

STATE MEDICAL BOARD

NOV 27 PM 2:09

and took him to Harding Hospital. From there, he had been taken to St. Ann's where he was eventually discharged after being seen by an emergency room physician. After this relapse, Dr. Cardona maintained contact with his supervising physician and his psychiatrist. In addition, during the month of April, 1992, Dr. Cardona attended twenty AA/NA meetings, exceeding the requirement of two such meetings per week.

Dr. Cardona did not, however, maintain diligent AA/NA attendance after April. Although Dr. Cardona admitted that he had not complied with his two meeting per week requirement during June, 1992, the AA/NA Attendance Logs that he submitted at hearing indicated that he also failed to comply with this requirement during May, 1992. From May 3 through July 4, 1992, Dr. Cardona attended AA/NA meetings as follows:

<u>Week of</u>	<u># of Meetings Attended</u>
5/03 thru 5/09/92	1
5/10 thru 5/16/92	2
5/17 thru 5/23/92	1
5/24 thru 5/30/92	1
5/31 thru 6/06/92	1
6/07 thru 6/13/92	0
6/14 thru 6/20/92	0
6/21 thru 6/27/92	0
6/28 thru 7/04/92	4

Since that time, Dr. Cardona has complied with his two meeting per week requirement, except for the weeks of July 12th through July 18, 1992, and August 9th through August 15, 1992, when he attended only one meeting.

At hearing, Dr. Cardona indicated that he had stopped going to meetings in June because of difficulties associated with porphyria, a medical condition that caused skin lesions on his hands. His porphyria had flared up in late April, apparently as an additional consequence of his relapse. The phlebotomies he received as treatment for this condition made him feel tired and weak, and he worried about exposure, as porphyria is a photosensitive disease. In addition, he was having a lot of adversarial encounters at AA meetings because of concern about his relapse and the fact that he had lesions on his hands. Although Dr. Cardona testified that he was required to have weekly phlebotomies during this time, a letter from his treating physician indicated that Dr. Cardona's tendency to show up for phlebotomies weekly, rather than bi-weekly, made it difficult to keep his hemoglobin at the proper level.

These facts are established by State's Exhibit #9; Respondent's Exhibits A, B, and E; and the testimony of Dr. Cardona (Tr. at 18-35).

STATE MEDICAL BOARD
92 NOV 27 PM 2:10

5. Dr. Cardona testified that he is currently going to three to five AA meetings per week and keeping logs of his attendance. He stated that he has not relapsed on alcohol or drugs since April 4, 1992. He has maintained contact with staff at Shepherd Hill, and has attended therapy sessions with his psychiatrist, Dr. Mark Hurst, and his psychologist, Daniel R. Merz, Ph.D.

Dr. Cardona indicated that his relapse had been a learning experience. He felt that he now has a better focus on sobriety, and has made great progress in utilizing his support system.

These facts are established by Respondent's Exhibits D and E and the testimony of Dr. Cardona (Tr. at 28-49).

6. Since approximately June 19, 1992, Dr. Cardona has been employed on a part-time basis, approximately 25 hours per week, at Kingscourt Clinic, an urgent care facility. He has also worked approximately two hours every two weeks at Physicians Weight Loss Center in Newark, Ohio. According to a letter from John Paul King, M.D., Dr. Cardona's employer at Kingscourt Medical Center, Dr. Cardona has been "exemplary in fulfilling his duties in an outpatient clinical setting."

These facts are established by Respondent's Exhibit C and the testimony of Dr. Cardona (Tr. at 8-10, 30-31).

CONCLUSIONS

The acts, conduct, and/or omissions of Antonio Cardona, M.D., as set forth in Findings of Fact #1 through #4, above, constitute "violation of the conditions of limitation placed by the Board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued", as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Dr. Cardona admittedly violated two provisions of his Consent Agreement with the State Medical Board by drinking alcohol and by failing to attend two AA/NA meetings per week. To Dr. Cardona's credit, he promptly notified the Board of his relapse and his non-compliance with meeting requirements. As indicated in Finding of Fact #4, above, however, Dr. Cardona minimized the extent of his non-compliance with meeting requirements. While the testimony and evidence presented by Dr. Cardona suggest that he is currently on the right track, they also suggest a need for increased vigilance on his part in scheduling his activities to assure compliance with each provision of the Board's Order.

STATE MEDICAL BOARD
OF OHIO

92 NOV 27 PM 2:10

While Dr. Cardona's voluntary disclosure may be considered as a mitigating factor, the relapse of an impaired physician cannot be taken lightly. This Board is obligated to ensure the safe and effective practice of medicine and surgery by physicians who have, by their past actions, proven themselves to be a potential danger to Ohio health care consumers. Dr. Cardona violated not only his Consent Agreement, but also the Board's trust. Nevertheless, Dr. Cardona's testimony indicated that he has taken responsibility for his actions, has demonstrated commitment to maintaining sobriety, and is currently practicing in a capable manner. Under similar circumstances, this Board has in the past shown willingness to support the rehabilitation of impaired physicians after relapse. Dr. Cardona must realize, however, that strict compliance with the Board's Order is required, and that future lapses cannot be tolerated.

PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of Antonio Cardona, M.D., to practice medicine and surgery in the State of Ohio shall be permanently REVOKED. Such revocation is STAYED, and Dr. Cardona's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five (5) years:
 - a. Dr. Cardona shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - b. Dr. Cardona shall submit quarterly declarations under penalty of perjury stating whether or not there has been compliance with the all the provisions of probation.
 - c. Dr. Cardona shall appear in person for interviews before the full Board or its designated representative at three (3) month intervals, or as otherwise requested by the Board.
 - d. In the event that Dr. Cardona should leave Ohio for three (3) consecutive months, or reside or practice outside the State, Dr. Cardona must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.

92 NOV 27 PM 2:10

- e. Dr. Cardona shall keep a log of all controlled substances purchased, prescribed, dispensed, or administered. Such logs shall be submitted in the format approved by the Board thirty (30) days prior to Dr. Cardona's personal appearances before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Cardona shall make his patient records with regard to such prescribing available for review by an agent of the State Medical Board upon request.
- f. Dr. Cardona shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of Dr. Cardona's history of chemical dependency.
- g. Dr. Cardona shall abstain completely from the use of alcohol.
- h. Dr. Cardona shall submit to random urine screenings for drugs and alcohol on a bi-weekly basis or as otherwise directed by the Board. Dr. Cardona shall ensure that all screening reports are forwarded directly to the Board on a monthly basis. Dr. Cardona shall submit the required urine specimens to a supervising physician to be approved by the Board. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the Board of any positive screening results. In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Cardona must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable.
- i. Dr. Cardona shall submit blood or urine specimens for analysis without prior notice at such times as the Board may request.
- j. Dr. Cardona shall maintain participation in an alcohol and drug rehabilitation program acceptable to the Board, such as AA, NA, Caduceus, or any other program approved in advance by the Board, no less than three (3) times per week, or as otherwise directed by the Board. At Dr. Cardona's appearances before the Board or its designated

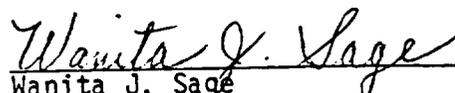
STATE MEDICAL BOARD
OF OHIO

92 NOV 27 PM 2:10

representative, Dr. Cardona shall submit acceptable documentary evidence of continuing compliance with this program. Further, by the tenth (10th) day of each month, Dr. Cardona shall submit to the State Medical Board a calendar for the previous month on which he has marked each date of attendance at such meetings, demonstrating his attendance at at least three (3) meetings each calendar week from Sunday through Saturday.

- k. Dr. Cardona shall obtain the prior approval of the Board for any medical practice or employment related to the health care fields. Prior to approval or disapproval of the proposed employment, the Board shall consider, among other factors, the adequacy and continuity of supervision and the feasibility of restricted access to controlled substances, which will ensure the protection of the public.
 - l. Dr. Cardona shall provide a copy of this Order to all employers and the Chief of Staff at each hospital where he has, applies for, or obtains privileges.
 - m. Dr. Cardona shall continue psychiatric treatment with Dr. Mark Hurst or another psychiatrist approved by the Board, at such intervals as are deemed appropriate by the treating psychiatrist but not less than twice per month, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Dr. Cardona shall ensure that these reports are forwarded to the Board on a quarterly basis, or as otherwise directed by the Board.
2. If Dr. Cardona violates probation in any respect, the Board, after giving Dr. Cardona notice and the opportunity to be heard, may set aside the stay order and impose the revocation of Dr. Cardona's certificate.
 3. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Cardona's certificate will be fully restored.

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


Wanita J. Sage
Attorney Hearing Examiner



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

EXCERPT FROM THE MINUTES OF JANUARY 13, 1993

REPORTS AND RECOMMENDATIONS

Dr. Agresta announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Agresta asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Maureen Allinder, M.D.; David A. Katerndahl, M.D.; and Antonio Cardona, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Stephens	- aye
	Dr. Hom	- aye
	Dr. Gretter	- aye
	Dr. Kaplansky	- abstain
	Dr. Heidt	- aye
	Dr. Garg	- aye
	Ms. Rolfes	- aye
	Dr. Agresta	- aye

Dr. Agresta 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:	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Stephens	- aye
	Dr. Hom	- aye
	Dr. Gretter	- aye
	Dr. Kaplansky	- abstain
	Dr. Heidt	- aye
	Dr. Garg	- aye
	Ms. Rolfes	- aye
	Dr. Gretter	- aye

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

.....



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

EXCERPT FROM THE MINUTES OF JANUARY 13, 1993
IN THE MATTER OF ANTONIO CARDONA, M.D.

Page 2

All Assistant Attorneys General and all Enforcement Coordinators left the meeting at this time.

REPORT AND RECOMMENDATION IN THE MATTER OF ANTONIO CARDONA, M.D.

.....

MR. ALBERT MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ANTONIO CARDONA, M.D. DR. STIENECKER SECONDED THE MOTION.

.....

A roll call vote was taken on Mr. Albert's motion to approve and confirm:

ROLL CALL VOTE:	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Stephens	- aye
	Dr. Hom	- aye
	Dr. Gretter	- aye
	Dr. Kaplansky	- abstain
	Dr. Heidt	- aye
	Dr. Garg	- aye
	Ms. Rolfes	- aye

The motion carried.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

September 9, 1992

Antonio Cardona, M.D.
7119 Shawnee Way
Reynoldsburg, OH 43068

Dear Doctor Cardona:

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

- (1) On or about June 26, 1991, as a licensure applicant, you entered into a Consent Agreement with the State Medical Board of Ohio based upon previous treatment for chemical dependency. On or about December 19, 1991 you entered into a new Consent Agreement with the State Medical Board of Ohio which fully incorporated the terms and conditions of the June 26, 1991 Consent Agreement.
- (2) Clause 10 of the June 26, 1991 Consent Agreement states that you "shall abstain completely from the use of alcohol".

In a letter dated April 22, 1992 you informed the State Medical Board of Ohio that you relapsed and "drank several beers" on April 4, 1992. In addition, at your initial appearance before the full Board on May 14, 1992 you confirmed the April 4, 1992 relapse and further stated that your relapse "consisted of consecutive Saturdays of drinking."

- (3) Clause 13 of the June 26, 1991 Consent Agreement states that "(w)ithin 30 days of the effective date of this Consent Agreement, DOCTOR CARDONA shall undertake and maintain participation in an alcohol and drug rehabilitation program,

Mailed 9/11/92

September 9, 1992

Antonio Cardona, M.D.
Page 2

such as A.A., N.A., or Caduceus, acceptable to the BOARD no less than two (2) times per week. At his appearances before the BOARD or its designated representative, DOCTOR CARDONA shall submit documentary evidence of continuing compliance with this program".

In a letter dated July 31, 1992 you informed the State Medical Board of Ohio that you had not attended the required alcohol and drug rehabilitation programs during the month of June. You reiterated this to a Board staff member in a telephone call on August 7, 1992 by stating that you had not attended the required AA meetings during the month of June.

Your acts, conduct, and/or omissions as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute "violation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued," as that clause is used in Section 4731.22(B)(15) of the Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that 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 (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

September 9, 1992

Antonio Cardona, M.D.
Page 3

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Carla S. O'Day, MD/HC

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

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 055 328 544
RETURN RECEIPT REQUESTED

**CONSENT AGREEMENT
BETWEEN
ANTONIO CARDONA, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

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

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

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(26), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. DOCTOR CARDONA is a licensure applicant to practice medicine and surgery in the State of Ohio.
- D. Pursuant to the terms of a Consent Agreement which DOCTOR CARDONA previously entered into on June 20, 1991 with the STATE MEDICAL BOARD OF OHIO (a copy of which is attached hereto and fully incorporated herein), DOCTOR CARDONA was to take and satisfactorily pass the SPEX Examination and was to voluntarily submit to a mental and/or physical examination, including but not necessarily limited for, cerebral dysfunction, both to the BOARD'S satisfaction, prior to becoming licensed in the State of Ohio.
- E. DOCTOR CARDONA did take and satisfactorily pass the SPEX Examination and did voluntarily submit to a mental and/or physical examination, including but not necessarily limited for, cerebral dysfunction. However, it was the recommendation of the examining physician that if DOCTOR CARDONA is granted a license to practice medicine in the State of Ohio, that he be required to engage in an active treatment with a psychiatrist to monitor his level of anxiety in practice, learn techniques for reducing anxiety, be considered for non-habituating anti-anxiety medication if his level of anxiety remains high, and to reduce

CONSENT AGREEMENT
ANTONIO CARDONA, M.D.
PAGE TWO

the possibility of his return to substance abuse as a means of coping with his anxiety, for a period of at least one (1) year.

- F. DOCTOR CARDONA has satisfactorily complied with the aforementioned terms and therefore, shall become licensed to practice medicine in the State of Ohio, subject to the remaining terms, limitations and conditions of this Agreement, as well as the remaining terms, limitations and conditions of the June 20, 1991 Consent Agreement previously referred to and incorporated herein.

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

1. Within thirty (30) days of the effective date of this Agreement, DOCTOR CARDONA shall submit to the BOARD for its prior approval the name and qualifications of a psychiatrist of his choice. Upon approval by the full BOARD, DOCTOR CARDONA shall undergo and continue psychiatric treatment twice a month, or as otherwise directed by the BOARD. DOCTOR CARDONA shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the BOARD on a monthly basis, or as otherwise directed by the BOARD;
2. DOCTOR CARDONA shall continue to be bound by the remaining terms, limitations and conditions of his June 20, 1991 Consent Agreement with the STATE MEDICAL BOARD OF OHIO.

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this Agreement shall remain in force for a minimum of two (2) years prior to any request for termination of said Agreement.

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

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

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

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

CONSENT AGREEMENT
ANTONIO CARDONA, M.D.
PAGE THREE

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

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


ANTONIO CARDONA, M.D.

12-19-91
DATE


HENRY G. CRAMBLETT, M.D.
Secretary

12/19/91
DATE


TIMOTHY S. JOST, ESQ.
Supervising Member

12/19/91
DATE


JOHN C. DOWLING, ESQ.
Assistant Attorney General

12/19/91
DATE

CONSENT AGREEMENT
BETWEEN
Antonio Cardona, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

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

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

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

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(26), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. DOCTOR CARDONA is a licensure applicant to practice medicine and surgery in the State of Ohio.
- D. DOCTOR CARDONA entered treatment for chemical dependency at Shepherd Hill Hospital in Newark, Ohio, on November 11, 1986.
- E. DOCTOR CARDONA Voluntarily Surrendered his license to practice medicine in the State of New York on February 9, 1987, due to inability to practice based upon his chemical dependency.
- F. DOCTOR CARDONA was discharged from Shepherd Hill Hospital on July 10, 1987, after successfully completing the inpatient and extended stay portions of the program.
- G. DOCTOR CARDONA'S license to practice medicine in the State of New York was restored on December 30, 1988, subject to compliance with the terms and conditions of the New York Order for a period of two (2) years.
- H. On February 5, 1991, DOCTOR CARDONA was notified by the State of New York, that he had successfully completed his two (2) year monitoring period, after satisfactory compliance with the terms of the New York Order.
- I. DOCTOR CARDONA appeared for an investigatory office conference before the Secretary of the Ohio State Medical Board on November 28, 1990, to discuss his previous impairment problem and licensure application.

- J. At the November 28, 1990 office conference, DOCTOR CARDONA expressed his willingness to submit to a mental and/or physical evaluation at the Board's expense and to enter into a Consent Agreement with standard terms and conditions for impaired practitioners, upon becoming licensed in the State of Ohio.
- K. DOCTOR CARDONA has not actively engaged in the practice of medicine and has not completed two (2) years of postgraduate training accredited by the ACGME or approved by the AOA, since he voluntarily removed himself from the active practice of medicine in 1986.

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

1. DOCTOR CARDONA shall take and satisfactorily pass the SPEX Examination prior to becoming licensed in the State of Ohio;
2. DOCTOR CARDONA shall voluntarily submit to a mental and/or physical examination, including but not necessarily limited for, cerebral dysfunction, at the Board's expense, prior to becoming licensed in the State of Ohio;
3. Upon completion of items 1. and 2. to the Board's satisfaction, DOCTOR CARDONA shall become licensed to practice medicine in the State of Ohio, subject to the remaining terms and conditions of this Consent Agreement for a period of at least two (2) years from the date such licensed is issued;
4. DOCTOR CARDONA shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
5. DOCTOR CARDONA shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of this Consent Agreement;
6. DOCTOR CARDONA shall appear in person for interviews before the full BOARD or its designated representative at three month intervals, or as otherwise directed by the Board;
7. In the event that DOCTOR CARDONA should leave Ohio for three continuous months, or reside or practice outside the State, DOCTOR CARDONA, must notify the BOARD in writing of the dates of departure and return. periods of time spent outside Ohio will not apply to the reduction of this period under the Consent Agreement;
8. DOCTOR CARDONA shall keep a log of all controlled substances prescribed, dispensed, or administered. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR CARDONA'S personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD;

9. DOCTOR CARDONA shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of DOCTOR CARDONA'S history of chemical dependency;
10. DOCTOR CARDONA shall abstain completely from the use of alcohol;
11. DOCTOR CARDONA shall submit to random urine screenings for drugs and alcohol on a bi-weekly basis or as otherwise directed by the BOARD. DOCTOR CARDONA is to ensure that all screening reports are forwarded directly to the BOARD on a quarterly basis;

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

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

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

12. The BOARD retains the right to require, and DOCTOR CARDONA agrees to submit, blood or urine specimens for analysis upon request and without prior notice;
13. Within 30 days of the effective date of this Consent Agreement, DOCTOR CARDONA shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, acceptable to the BOARD no less than two (2) times per week, or as otherwise directed by the BOARD. At his appearances before the BOARD or its designated representative, DOCTOR CARDONA shall submit documentary evidence of continuing compliance with this program;
14. DOCTOR CARDONA shall obtain the approval of the BOARD for any medical practice or employment related to the health care fields. The BOARD shall consider, among other factors, the adequacy and continuity of supervision and the feasibility of restricted access to controlled substances, which will ensure the protection of the public, prior to approval or disapproval of the proposed employment;
15. DOCTOR CARDONA shall provide all employers and the Chief of Staff at each hospital where he has, applies for, or obtains privileges with a copy of this Consent Agreement.

Antonio Cardona, M.D.
Consent Agreement
Page Four

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this Agreement shall remain in force for a minimum of two (2) years prior to any request for termination of said Agreement.

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

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

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

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

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

Antonio Cardona

6/13/91 0745 hrs
DATE

Henry G. Cramblett
HENRY G. CRAMBLETT, M.D.
Secretary

6/14/91
DATE

Timothy S. Jost
TIMOTHY S. JOST, ESQ.
Supervising Member

6/21/91
DATE

John C. Dowling
Assistant Attorney General
JOHN C. DOWLING

6/20/91
DATE