



# State Medical Board of Ohio

777 High Street, Columbus, Ohio 43260-1027 • 614-466-5134 • [www.smb.state.oh.us](http://www.smb.state.oh.us)

December 14, 2005

Craig L. Rich, M.D.  
3325 Dunmore Avenue, NW  
Canton, OH 44708

Dear Doctor Rich:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Patricia A. Davidson, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 14, 2005, including motions 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 must be taken to the Franklin County Court of Common Pleas.

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

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.  
Secretary

LAT:jam  
Enclosures

CERTIFIED MAIL NO. 7004 1350 0001 0254 5137  
RETURN RECEIPT REQUESTED

Cc: Kevin P. Byers, Esq.  
CERTIFIED MAIL NO. 7004 1350 0001 0254 5151  
RETURN RECEIPT REQUESTED

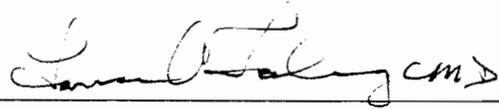
819 Park Avenue #5  
South Pasadena, CA 91030  
CERTIFIED MAIL NO. 7003 0500 0002 4333 9654  
RETURN RECEIPT REQUESTED

*Mailed 12-14-05*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 14, 2005, 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; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Craig L. Rich, 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.



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Lance A. Talmage, M.D.  
Secretary

(SEAL)

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December 14, 2005  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

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CRAIG L. RICH, M.D.

\*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on December 14, 2005.

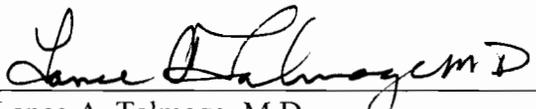
Upon the Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the 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:

The certificate of Craig L. Rich, M.D., to practice medicine and surgery in Ohio shall be REVOKED.

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

(SEAL)

  
\_\_\_\_\_  
Lance A. Talmage, M.D.  
Secretary

December 14, 2005  
\_\_\_\_\_  
Date

**STATE MEDICAL BOARD  
OF OHIO**

**2005 OCT 13 A 8 59**

**REPORT AND RECOMMENDATION  
IN THE CONSOLIDATED MATTERS OF CRAIG L. RICH, M.D.**

The matter of Craig L. Rich, M.D., was heard on May 5, 2004, by Siobhan R. Clovis, Esq., Hearing Examiner for the State Medical Board of Ohio. After an additional matter was cited and consolidated with the matter previously heard, the consolidated matters were heard on October 3, 2005, by Patricia A. Davidson, Hearing Examiner for the State Medical Board of Ohio.

**INTRODUCTION**

I. Basis for Hearing

- A. In a Notice of Summary Suspension and Opportunity for Hearing dated February 11, 2004, the State Medical Board of Ohio [Board] notified Craig L. Rich, M.D., that, pursuant to Section 4731.22(G), Ohio Revised Code, the Board had adopted an Order of Summary Suspension of his certificate to practice medicine and surgery in Ohio. The Board advised Dr. Rich that continued practice of medicine or surgery would be considered practicing medicine without a certificate, in violation of Section 4731.41, Ohio Revised Code. (State's Exhibit 1A)

The Board explained that the proposed disciplinary action was based on allegations that Dr. Rich had violated his October 1999 Step II Consent Agreement by testing positive for Darvon on or about July 11, 2002, and for alcohol on or about October 24, 2003.

The Board alleged that Dr. Rich's conduct constitutes 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." The Board further alleged that Dr. Rich's conduct constitutes "[i]mpairment 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,' as that clause is used in Section 4731.22(B)(26), Ohio Revised Code."

Accordingly, the Board advised Dr. Rich of his right to request a hearing in this matter. (State's Exhibit 1A)

- B. On March 10, 2004, Kevin P. Byers, Esq., submitted a written hearing request on behalf of Dr. Rich. (State's Exhibit 1B)

- C. Hearing Examiner Clovis conducted a hearing on May 5, 2004, and issued a Report and Recommendation on May 26, 2004. The Board was scheduled to consider the matter at its July 2004 meeting. (State's Exhibit 8)
- D. Before the July 2004 meeting, however, the Board received new information regarding Dr. Rich, and, by letter dated June 9, 2004, the Board notified Dr. Rich that it intended to determine whether to take disciplinary action against his certificate based on his self-report that he had relapsed and had been charged with Driving Under the Influence on or about May 25, 2004. (State's Exhibit 1N)

The Board alleged that Dr. Rich's conduct constitutes "[i]mpairment 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,' as that clause is used in Section 4731.22(B)(26), Ohio Revised Code."

Accordingly, the Board advised Dr. Rich of his right to request a hearing in this matter. (State's Exhibit 1N)

- E. By letter dated June 15, 2004, Kevin P. Byers, Esq., requested a hearing on behalf of Dr. Rich. (State's Exhibit 1O)
- F. On June 18, 2004, the parties jointly requested that the Board remand the prior matter cited on February 11, 2004, for the purpose of consolidating it with the new matter cited on June 9, 2004. (State's Exhibit 1T) By letter dated July 16, 2004, the Board advised the parties that it had granted their request for remand to the Hearing Examiner. (State's Exhibit 1X, 1AA)
- G. On remand, further procedural matters were addressed. (Hearing Transcript at 62-65; State's Exhibits 1BB to 1LL; Board Exhibits A-C) A second day of evidentiary hearing was held in these consolidated matters on October 3, 2005. (Hearing Transcript at 61)

## II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Rebecca J. Albers, Assistant Attorney General (first day of hearing), and by Kyle C. Wilcox, Assistant Attorney General (second day).
- B. On behalf of the Respondent: Kevin P. Byers, Esq., on the first day of hearing. On January 18, 2005, Mr. Byers withdrew as counsel of record for the Respondent. (State's Exhibit 1DD) Since then, no other attorney has appeared on behalf of Dr. Rich, nor has Dr. Rich appeared or presented a written defense.

## EVIDENCE EXAMINED

### I. Testimony Heard on May 4, 2004<sup>1</sup>

#### A. Presented by the State

1. Danielle Bickers
2. Rebecca Marshall, Esq.
3. Pete Vitucci
4. Craig L. Rich, M.D., as if on cross-examination<sup>2</sup>

#### B. Presented by the Respondent

Craig L. Rich, M.D.

### II. Exhibits Examined

#### A. Presented by the State

1. State's Exhibits 1A through 1Q, 1S through 1FF, and 1HH through 1LL: Procedural exhibits. (There is no State's Exhibit 1R or 1GG.)
2. State's Exhibit 2: Certified copies of records maintained by the Board concerning Craig L. Rich, M.D. (Pages numbered by Hearing Examiner Clovis following the first day of hearing).
3. State's Exhibit 3: Copy of a July 19, 2002, toxicology report.
4. State's Exhibit 4: Copy of a December 11, 2003, toxicology report.
5. State's Exhibit 5A: An affidavit from Danielle C. Bickers, Board Compliance Officer.
6. State's Exhibit 5B: A facsimile transmission dated May 27, 2004, to the Board from Kevin P. Byers, Esq.
7. State's Exhibit 6: Certified copy of the traffic citation (Complaint and Summons) in which the Massillon Police Department charged Dr. Rich with operating a vehicle under the influence of alcohol on May 23, 2004.

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<sup>1</sup> No witnesses were presented on October 3, 2005.

<sup>2</sup> Dr. Rich testified during the first day of hearing but did not appear for the second day of hearing. (Tr. at 61)

8. State's Exhibit 7: Certified copy of the Sentencing Entry and Order in *State v. Craig L. Rich*, Case No. 2004-TRC-2981, Massillon Municipal Court, Stark County, Ohio.
  9. State's Exhibit 8: Copy of the Report and Recommendation issued by Hearing Examiner Clovis on May 26, 2004, with cover letter to Dr. Rich.
- B. Presented by the Respondent
1. Respondent's Exhibit A: Curriculum vitae of Craig L. Rich, M.D.
  2. Respondent's Exhibit B: Copy of a March 8, 2004, letter concerning Dr. Rich from Tracy Mankamyer, Assessment Counselor, Edwin Shaw Hospital and Outpatient Centers for Rehabilitation [Edwin Shaw Hospital].
  3. Respondent's Exhibit C: Copy of a March 11, 2004, Patient Progress Report by Patricia Slevey, Chemical Dependency Counselor, Edwin Shaw Hospital.
  4. Respondent's Exhibit D: Copy of a March 29, 2004, Patient Discharge Report.
  5. Respondent's Exhibit E: Copy of an April 1, 2004, letter concerning Dr. Rich from Cheryl Shuttleworth, Continued Care Counselor, Edwin Shaw Hospital.
  6. Respondent's Exhibit F: Copy of an April 28, 2004, letter to Dr. Rich's counsel from Ms. Shuttleworth.
- C. Admitted by the Hearing Examiner Post-Hearing
1. Board Exhibit A: Transcript of Hearing on May 3, 2005, continuing the hearing to a later date.
  2. Board Exhibit B: Transcript of Hearing on July 19, 2005, continuing the hearing to a later date.
  3. Board Exhibit C: Entry dated September 27, 2005, reassigning this matter to Hearing Examiner Davidson.

## SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner before preparing this Report and Recommendation.

1. Craig L. Rich, M.D., graduated from the University of Akron in 1982. In 1986 he received his medical degree from Universidad Central Del Este in the Dominican Republic. From June 1986 through June 1989, he was a resident in internal medicine at Northeastern Ohio University College of Medicine Affiliated Hospitals in Canton, Ohio. From July 1989 through June 1992, Dr. Rich was a resident in neurology at the Medical College of Wisconsin. (Hearing Transcript [Tr.] at 25-26; Respondent's Exhibit [Resp. Ex.] A)

Dr. Rich engaged in the private practice of neurology in Canton, Ohio, from October 1992 through January 1996. In March 1995, Dr. Rich began working at Heartland Behavioral Healthcare in Massillon, Ohio, where he continued in practice until his license was suspended in February 2004. (Tr. at 26, 42; Resp. Ex. A)

2. On July 14, 1999, Dr. Rich entered into a Step I Consent Agreement with the Board in lieu of formal proceedings for his violation of Section 4731.22(B)(26), Ohio Revised Code. (State's Exhibit [St. Ex.] 2 at 20, 27) In the Step I Consent Agreement, Dr. Rich admitted the following:

- He was an alcoholic who had engaged in binge drinking.
- On April 29, 1997, he had been convicted of Driving Under the Influence of Alcohol [DUI], sentenced to thirty days in jail with twenty-seven days suspended, and fined.
- On March 10, 1998, he had been convicted of his second DUI, for which he had served ten days in jail and thirty days under electronically monitored house arrest. Further, his driver's license had been suspended for one year and he had been ordered to perform sixty hours of community service.

(St. Ex. 2 at 21)

Dr. Rich agreed to certain terms, conditions, and limitations, including an indefinite suspension of his Ohio certificate to practice medicine and surgery. Dr. Rich further agreed to specified conditions for reinstatement, including inpatient treatment from a Board-approved treatment provider. (St. Ex. 2 at 20-27; Tr. at 26)

3. On October 13, 1999, the Board determined that Dr. Rich had complied with all conditions for reinstatement and entered into a Step II Consent Agreement with Dr. Rich. The Step II Consent Agreement reinstated Dr. Rich's certificate subject to certain terms, conditions, and limitations, including:

- DOCTOR RICH shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed, or administered to him by another so authorized by law who has full knowledge of DOCTOR RICH's history of chemical dependency[.] (Paragraph 6)
- DOCTOR RICH shall abstain completely from the use of alcohol[.] (Paragraph 7)

(St. Ex. 2 at 10-19) (Emphasis in original)

4. On July 11, 2002, Dr. Rich submitted a urine specimen for drug screening that tested positive for Darvon. The specimen was GC/MS confirmed for the presence of propoxyphene. (Tr. at 9; St. Ex. 3)

On September 13, 2002, Dr. Rich told an Enforcement Attorney for the Board that he had no idea why he had tested positive for Darvon. Dr. Rich indicated that he must have inadvertently ingested it. (Tr. at 15-17)

5. After the positive drug test in July 2002, the Board did not amend Dr. Rich's Step II Consent Agreement. However, he was required to submit to additional random drug screens. (Tr. at 10-13)

Aside from the July 2002 positive drug screen, Dr. Rich's history with the Board does not demonstrate any abuse of, or dependency upon, Darvon. Dr. Rich testified that he has never abused Darvon. (Tr. at 18, 35; St. Ex. 2 at 21)

6. On October 24, 2003, Dr. Rich submitted a urine specimen that tested positive for alcohol. The specimen was GC/FID confirmed for the presence of alcohol. (Tr. at 9-10, 21; St. Ex. 4)

On November 26, 2003, Dr. Rich told a Board investigator that he had not drunk an alcoholic beverage. Dr. Rich suggested that the positive test was the result of his taking an herbal cough syrup that he later learned contained 10 percent alcohol. (Tr. at 19, 21-22)

7. On February 11, 2004, Dr. Rich's certificate to practice medicine and surgery was summarily suspended by the Board based on the positive drug screens for Darvon and alcohol, and he requested a hearing. (St. Ex. 1A, 1B)
8. On March 4, 2004, Dr. Rich entered inpatient treatment at Edwin Shaw Hospital, a Board-approved treatment provider. His discharge was approved after 24 days because he "completed all program requirements and it was determined that his discharge to a lower level of care was clinically appropriate." (Tr. at 29, 36-37; Resp. Ex. B, D, F)

9. On May 5, 2004, a hearing was held on the matters cited in the Notice of Summary Suspension and Opportunity for Hearing dated February 11, 2004. (St. Ex. 8)
  - a. With respect to the positive urine screen for Darvon, Dr. Rich testified that he had not known that he had ingested Darvon until he learned of the positive result on his drug screen, and he suggested that he must have ingested the drug inadvertently. Dr. Rich testified that he had occasionally obtained headache medication from co-workers and that one of them might have given him Darvon, although they all knew he was an impaired physician. He acknowledged that Darvon tablets are bright orange and that he would not have taken a bright orange pill without noticing that he was ingesting prescription medication. However, he claimed that a generic form of Darvon is white. (Tr. at 27-28, 35-36, 44)

Dr. Rich further testified that, after he tested positive for Darvon, he had advised the Board during a quarterly probationary appearance of his practice of taking nonprescription medication for headaches, which he believed was permitted. (Tr. at 45-46)
  - b. With respect to the positive test for alcohol, Dr. Rich suggested that it had been caused by his taking an herbal cough syrup that he later learned contained 10 percent alcohol. He admitted that he had known it contained alcohol when he ingested it, but claimed that he had not realized that the alcohol content was significant. (Tr. at 19, 21-22, 28-30, 32-33)

Dr. Rich admitted that his ingestion of the cough syrup constituted a relapse, although he claimed he had not taken the cough syrup to become intoxicated. He stated that he had a chest cold and rationalized that it would not be a problem to take an herbal cough syrup. He characterized himself as having become arrogant about his recovery, explaining that he should have known better than to think that he could use alcohol in any form. (Tr. at 29-30, 32-33, 36)
  - c. Dr. Rich also testified about his participation in an aftercare program and AA meetings. He described his sponsors, his contract with the Ohio Physicians Effectiveness Program, his daily prayers and devotions, and the frequency of his random urine screens. (Tr. at 30, 38, 40; Resp. Ex. D, E, F) Dr. Rich noted that, prior to taking the cough syrup in October 2003, he had maintained abstinence from alcohol for more than five years. (Tr. at 13, 35)
10. On May 23, 2004, the Massillon Police Department charged Dr. Rich with operating a vehicle under the influence of alcohol. The traffic citation indicated that Dr. Rich's blood alcohol concentration had been .127 as tested by breath. (St. Ex. 6)

11. On May 26, 2004, the Hearing Examiner issued a Report and Recommendation based on the May 5, 2004, hearing. (St. Ex. 8)
12. On May 27, 2004, Kevin P. Byers, Esq., informed the Board via facsimile transmission that Dr. Rich had asked him to report to the Board that Dr. Rich had suffered a relapse and had been charged with DUI on or about May 25, 2004. Mr. Byers stated that he believed that Dr. Rich's "breathalyzer indicated a .12 ETOH." (St. Ex. 5A-5B)
13. On June 8, 2004, Dr. Rich appeared in Massillon Municipal Court, Stark County, Ohio, in *State v. Craig L. Rich*, Case No. 2004-TRC-2981. He pleaded "no contest" to driving a vehicle under the influence of alcohol on May 23, 2004. The court imposed a sentence including a fine, 30 days electronically monitored house arrest, and suspension of Dr. Rich's driver's license. In addition, the court imposed probationary conditions including "successful completion Edwin Shaw." (St. Ex. 7)
14. With respect to the Report and Recommendation issued on May 26, 2004, the Board was scheduled to consider the matter at its July 2004 meeting. (St. Ex. 8) However, prior to the July 2004 meeting, the Board considered Dr. Rich's self-report of his relapse and DUI charge at its June 2004 meeting. By letter dated June 9, 2004, the Board notified Dr. Rich that it intended to determine whether to take disciplinary action based on his self-reported relapse and DUI charge. (St. Ex. 1N) Dr. Rich's counsel duly requested a hearing. (St. Ex. 1O)

The parties jointly requested that the Board remand the prior matter cited on February 11, 2004, for the purpose of consolidating it with the additional matter cited on June 9, 2004. (St. Ex. 1T) The Board granted the request and remanded the matter to the Hearing Examiner. (St. Ex. 1X, 1AA)

15. On January 18, 2005, Mr. Byers withdrew as counsel of record for the Respondent, stating that he had tried to contact Dr. Rich by telephone, email, regular mail, and certified mail, to no avail. (St. Ex. 1DD) Similarly, the Board has made multiple attempts, without success, to contact Dr. Rich. (St. Ex. 1KK; Board Exhibits A-B)
16. A second day of evidentiary hearing was conducted on October 3, 2005. Dr. Rich did not appear at the hearing or present a defense in writing, nor was he represented by counsel.

## FINDINGS OF FACT

1. On July 14, 1999, Craig L. Rich, M.D., entered into a Step I Consent Agreement with the Board in lieu of formal proceedings based upon Dr. Rich's violation of Section 4731.22(B)(26), Ohio Revised Code. In the Step I Consent Agreement, Dr. Rich made certain admissions, including:
  - He was an alcoholic who had engaged in binge drinking.
  - On or about April 29, 1997, he had been convicted of Driving Under the Influence of Alcohol [DUI], sentenced to 30 days in jail with 27 days suspended, and fined.
  - On or about March 10, 1998, he had been convicted of a second DUI, for which he had served 10 days in jail and 30 days under electronically monitored house arrest. Further, his driver's license had been suspended for one year and he had been ordered to perform 60 hours of community service.

Further, Dr. Rich agreed to certain terms, conditions, and limitations, including an indefinite suspension of his Ohio certificate to practice medicine and surgery, with specified conditions for reinstatement.

2. On October 13, 1999, Dr. Rich entered into a Step II Consent Agreement with the Board, providing for reinstatement of his Ohio license to practice medicine and surgery subject to certain terms, conditions, and limitations. The Step II Consent Agreement includes the following provisions:
  - DOCTOR RICH shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed, or administered to him by another so authorized by law who has full knowledge of DOCTOR RICH's history of chemical dependency[.] (Paragraph 6)
  - DOCTOR RICH shall abstain completely from the use of alcohol[.] (Paragraph 7)
3. A urine specimen submitted by Dr. Rich for drug screening on July 11, 2002, tested positive for Darvon, and was GC/MS confirmed for propoxyphene. When questioned by a Board Enforcement Attorney on September 13, 2002, Dr. Rich denied any drug use, stating that he had no idea why his urine would have tested positive for Darvon unless he had inadvertently ingested it.
4. A urine specimen submitted by Dr. Rich for drug screening on October 24, 2003, tested positive for alcohol, and was GC/FID confirmed for alcohol. When questioned by a Board Investigator on November 26, 2003, Dr. Rich denied drinking any alcohol, stating that he suspected that the positive test result was due to an herbal cough syrup he had ingested that contained ten percent alcohol as an ingredient.

5. On May 27, 2004, Dr. Rich informed the Board, through his attorney, that he had relapsed, and disclosed that he had been charged with Driving Under the Influence on or about May 25, 2004, in Massillon, Ohio. In this self-report, Dr. Rich's counsel set forth his belief that the breathalyzer test conducted by the Massillon Police Department had shown a 0.12 blood alcohol level.

The evidence admitted at hearing established that the Massillon Police Department charged Dr. Rich with driving under the influence of alcohol on May 23, 2004, based on a blood alcohol concentration of 0.127 as tested by breath.

### CONCLUSIONS OF LAW

1. The conduct of Craig L. Rich, M.D., as set forth in Findings of Fact 1 through 5, demonstrates "[i]mpairment 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," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.
2. The conduct of Dr. Rich, as set forth in Findings of Fact 3 and 4, constitutes a "[v]iolation of the conditions of limitation placed by the board upon [his] certificate to practice," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

\* \* \* \* \*

The facts relating to Dr. Rich's relapse and DUI in 2004 are not disputed. In addition, his two positive urine screens, in July 2002 and October 2003, constituted a relapse, as well as violations of his Step II Consent Agreement. See Rule 4731-16-01(B), Ohio Administrative Code (any use of alcohol or a drug that may impair ability to practice constitutes a relapse). The only remaining question is the level of discipline that is appropriate.

A permanent revocation does not appear appropriate because it would not take into account that alcoholism is a disease from which a person may recover. The Board has seen many physicians recover successfully from chemical dependency, and a permanent revocation would preclude any chance for the Board to recognize, in the future, a successful recovery by Dr. Rich.

An indefinite suspension also does not appear appropriate based on the particular circumstances of this case. An indefinite suspension typically involves monitoring by the Board, supervision by a physician, random drug and alcohol screens, and regular contact with the Board and its Compliance Officer by the physician on probation. Such monitoring, supervision, and screening is not advisable or practical in this case, however, because Dr. Rich has had no contact with the Board for many months and has shown no interest in communicating with the Board at this time. Indeed, neither the

Board nor Dr. Rich's former attorney has been able to contact him. Thus, ordering conditions and terms for an indefinite suspension would appear pointless.

Lesser penalties, such as a definite term of suspension, would not give adequate protection to the public. Considering all the circumstances, the Hearing Examiner recommends revocation of Dr. Rich's certificate rather than permanent revocation. Dr. Rich promptly reported his relapse to the Board in 2004. In the past, he successfully abstained from alcohol for more than five years. Although Dr. Rich is not currently showing an interest in a Board-ordered recovery program involving eventual reinstatement of his medical certificate, the Board may wish to allow Dr. Rich the opportunity to return to the practice of medicine should circumstances change materially. The fact that he is not focusing at present on practicing medicine need not preclude all chance of returning to the profession in the future.

#### **PROPOSED ORDER**

It is hereby ORDERED that:

The certificate of Craig L. Rich, M.D., to practice medicine and surgery in the State of Ohio shall be REVOKED.

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

  
Patricia A. Davidson  
Hearing Examiner



# State Medical Board of Ohio

1000 East Broad Street • Columbus, Ohio 43260-1217 • (614) 666-3994 • Website: [www.smb.ohio.gov](http://www.smb.ohio.gov)

## EXCERPT FROM THE DRAFT MINUTES OF DECEMBER 14, 2005

### REPORTS AND RECOMMENDATIONS

Dr. Davidson announced that the Board would now consider the findings and orders appearing on the Board's agenda. She asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Binh Quoc Doan, M.D.; Adam P. Hall, D.O.; James L. Kegler, M.D.; John Michael Lonergan, M.D.; Richard Daniel Price, M.D.; Craig L. Rich, M.D.; Charles Christian Rickey, P.A.; Steven John Shor, M.D.; and Robert Martin Stang, D.O. A roll call was taken:

|            |                |       |
|------------|----------------|-------|
| ROLL CALL: | Mr. Albert     | - aye |
|            | Dr. Egner      | - aye |
|            | Dr. Talmage    | - aye |
|            | Dr. Varyani    | - aye |
|            | Dr. Buchan     | - aye |
|            | Dr. Kumar      | - aye |
|            | Mr. Browning   | - aye |
|            | Ms. Sloan      | - aye |
|            | Dr. Robbins    | - aye |
|            | Dr. Saxena     | - aye |
|            | Dr. Steinbergh | - aye |
|            | Dr. Davidson   | - aye |

Dr. Davidson 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. Egner      | - aye |
|            | Dr. Talmage    | - aye |
|            | Dr. Varyani    | - aye |
|            | Dr. Buchan     | - aye |
|            | Dr. Kumar      | - aye |
|            | Mr. Browning   | - aye |
|            | Ms. Sloan      | - aye |
|            | Dr. Robbins    | - aye |
|            | Dr. Saxena     | - aye |
|            | Dr. Steinbergh | - aye |
|            | Dr. Davidson   | - aye |

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

Dr. Davidson stated that, if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

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

.....

CRAIG L. RICH, M.D.

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**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON’S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF CRAIG L. RICH, M.D. DR. VARYANI SECONDED THE MOTION.**

.....

A vote was taken on Dr. Steinbergh’s motion to approve and confirm:

|       |                |           |
|-------|----------------|-----------|
| Vote: | Mr. Albert     | - abstain |
|       | Dr. Egner      | - aye     |
|       | Dr. Talmage    | - abstain |
|       | Dr. Varyani    | - aye     |
|       | Dr. Buchan     | - aye     |
|       | Dr. Kumar      | - aye     |
|       | Mr. Browning   | - aye     |
|       | Ms. Sloan      | - aye     |
|       | Dr. Robbins    | - aye     |
|       | Dr. Saxena     | - aye     |
|       | Dr. Steinbergh | - aye     |
|       | Dr. Davidson   | - aye     |

The motion carried.



# State Medical Board of Ohio

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

June 9, 2004

Craig Louis Rich, M.D.  
3325 Dunmore Avenue Northwest  
Canton, Ohio 44708

Dear Doctor Rich:

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 July 14, 1999, you entered into a Step I Consent Agreement with the Board [July 1999 Step I Consent Agreement] in lieu of formal proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code. In the July 1999 Step I Consent Agreement, a copy of which is attached hereto and fully incorporated herein, you made certain admissions including that you were an alcoholic who engaged in binge drinking; that, on or about April 29, 1997, you were found guilty of Driving Under the Influence of Alcohol, for which you were fined and sentenced to 30 days in jail, with 27 days suspended; and that, on or about February 17, 1998, you were found guilty of a second conviction of Driving Under the Influence of Alcohol, for which your driver's license was suspended for one year, you were sentenced to serve ten days in jail and 30 days electronically monitored house arrest, and were ordered to perform 60 hours of community service. Further, in the July 1999 Step I Consent Agreement, you agreed to certain terms, conditions, and limitations, including that your certificate to practice medicine and surgery in the State of Ohio would be suspended for an indefinite period of time, with specified conditions for reinstatement.
- (2) On or about October 13, 1999, you entered into a Step II Consent Agreement with the Board [October 1999 Step II Consent Agreement], a copy of which is attached hereto and fully incorporated herein, which provided for reinstatement of your license to practice medicine and surgery in the State of Ohio subject to certain terms, conditions, and limitations.

*Mailed 6/10/04*

- (3) On or about February 11, 2004, the Board issued to you a Notice of Summary Suspension and Opportunity for Hearing, a copy of which is attached hereto and fully incorporated herein, based upon your alleged violations of Sections 4731.22(B)(26) and 4731.22(B)(15), Ohio Revised Code, after one urine specimen that you submitted for drug screening tested positive for Darvon and was GC/MS confirmed for the presence of propoxyphene, and another tested positive for alcohol and was GC/FID confirmed for the presence of alcohol. At a hearing on or about May 5, 2004, you testified that you had been "arrogant" about your recovery, that you had re-entered treatment at a Board-approved treatment provider and successfully completed twenty-four days of in-patient treatment, and that you should have known that you could not use alcohol in any form. Thereafter, one of the Board's Hearing Examiners issued a Report and Recommendation in this matter, which is currently scheduled for consideration by the Board on or about July 14, 2004.
  
- (4) On or about May 27, 2004, through your attorney, you self-reported to the Board that you had relapsed, and further reported that on or about May 25, 2004, in Massillon, Ohio, you had been charged with Driving Under the Influence after a breathalyzer conducted by the Massillon Police indicated that you had a 0.12 blood alcohol level.

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (2), (3), and (4) above, individually and/or collectively, constitute "[i]mpairment 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," as that clause is used in Section 4731.22(B)(26), 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

Craig Louis Rich, M.D.

Page 3

applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.  
Secretary

LAT/blt  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5140 1620  
RETURN RECEIPT REQUESTED

cc: Kevin Byers, Esq.  
Fifth Third Center  
21 East State Street  
Columbus, OH 43215

CERTIFIED MAIL # 7000 0600 0024 5140 1637  
RETURN RECEIPT REQUESTED



# State Medical Board of Ohio

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

## NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

February 11, 2004

Craig Louis Rich, M.D.  
3325 Dunmore Avenue Northwest  
Canton, Ohio 44708

Dear Doctor Rich:

Enclosed please find certified copies of the Entry of Order, the Notice of Opportunity for Hearing, and an excerpt of the Minutes of the State Medical Board, meeting in regular session on February 11, 2004, including a Motion adopting the Order of Summary Suspension and issuing the Notice of Opportunity for Hearing pursuant to Section 4731.22(G), Ohio Revised Code.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate, in violation of Section 4731.41, Ohio Revised Code.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order of Summary Suspension. 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 appeal, must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Court within fifteen days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

Additionally, pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing on the allegations set forth in the Notice of Opportunity for Hearing. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice. Further information concerning such hearing is contained within the Notice of Opportunity for Hearing.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D., Secretary

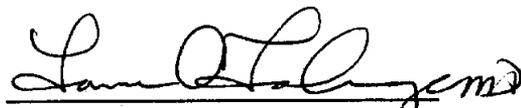
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*Mailed 2-12-04*

**CERTIFICATION**

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, meeting in regular session on February 11, 2004, to Adopt the Order of Summary Suspension and to Issue the Notice of Opportunity for Hearing, constitute true and complete copies of the Motion and Order as they appear in the Journal of the State Medical Board of Ohio.

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

  
Lance A. Talmage, M.D., Secretary

(SEAL)

February 11, 2004

Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF :

CRAIG LOUIS RICH, M.D. :

**ENTRY OF ORDER**

This matter came on for consideration before the State Medical Board of Ohio the 11th day of February, 2004.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Raymond J. Albert, Supervising Member; and

Pursuant to their determination that there is clear and convincing evidence that Craig Louis Rich, M.D., has violated Section 4731.22(B)(26), Ohio Revised Code, as alleged in Notice of Summary Suspension and Opportunity for Hearing which is enclosed herewith and fully incorporated herein, which determination is based upon review of information received pursuant to an investigation; and

Pursuant to their further determination that Dr. Rich's continued practice presents a danger of immediate and serious harm to the public; and further

Pursuant to the terms of the Step II Consent Agreement Between Craig Louis Rich, M.D., and the State Medical Board of Ohio, effective October 13, 1999, which states:

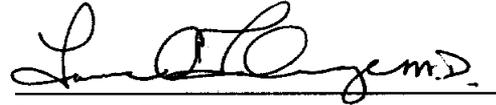
If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Doctor Rich has violated any term, condition or limitation of this Consent Agreement, Doctor Rich agrees that the violation, as alleged, also constitutes clear and convincing evidence that 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.

The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 11th day of February 2004;

It is hereby ORDERED that the certificate of Craig Louis Rich, M.D., to practice medicine or surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that Craig Louis Rich, M.D., shall immediately close all his medical offices and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.



Lance A. Talmage, M.D., Secretary

(SEAL)

February 11, 2004

Date



# State Medical Board of Ohio

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

## EXCERPT FROM THE DRAFT MINUTES OF FEBRUARY 11, 2004

### CRAIG LOUS RICH, M.D. ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Order of Summary Suspension and Notice of Opportunity For Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

**DR. BHATI MOVED TO APPROVE THE ORDER OF SUMMARY SUSPENSION AND TO SEND THE NOTICE OF OPPORTUNITY FOR HEARING TO DR. RICH. DR. ROBBINS SECONDED THE MOTION. A vote was taken:**

Vote:

|              |           |
|--------------|-----------|
| Mr. Albert   | - abstain |
| Dr. Egner    | - aye     |
| Dr. Talmage  | - abstain |
| Dr. Bhati    | - aye     |
| Dr. Kumar    | - aye     |
| Mr. Browning | - aye     |
| Dr. Davidson | - aye     |
| Dr. Robbins  | - aye     |
| Dr. Garg     | - abstain |
| Ms. Sloan    | - aye     |

The motion carried.



# State Medical Board of Ohio

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

February 11, 2004

Craig Louis Rich, M.D.  
3325 Dunmore Avenue Northwest  
Canton, Ohio 44708

Dear Doctor Rich:

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 or place you on probation for one or more of the following reasons:

- (1) On or about July 14, 1999, you entered into a Step I Consent Agreement with the Board [July 1999 Step I Consent Agreement] in lieu of formal proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code. In the July 1999 Step I Consent Agreement, a copy of which is attached hereto and fully incorporated herein, you made certain admissions including that you were an alcoholic who engaged in binge drinking; that on or about April 29, 1997, you were found guilty of Driving Under the Influence of Alcohol, for which you were fined and sentenced to 30 days in jail, with 27 days suspended; and that on or about February 17, 1998, you were found guilty of a second conviction of Driving Under the Influence of Alcohol, for which your driver's license was suspended for one year, you were sentenced to serve ten days in jail and 30 days electronically monitored house arrest, and were ordered to perform 60 hours of community service. Further, in the July 1999 Step I Consent Agreement, you agreed to certain terms, conditions, and limitations, including that your certificate to practice medicine and surgery in the State of Ohio would be suspended for an indefinite period of time, with specified conditions for reinstatement.
- (2) On or about October 13, 1999, you entered into a Step II Consent Agreement with the Board [October 1999 Step II Consent Agreement], which provided for reinstatement of your license to practice medicine and surgery in the State of Ohio subject to certain terms, conditions, and limitations. The October 1999 Step II Consent Agreement, a copy of which is attached hereto and fully incorporated herein, included the following provisions:

Paragraph 6 of the agreement states, "Doctor Rich shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Doctor Rich's history of chemical dependency."

Paragraph 7 of the agreement states, "Doctor Rich shall abstain completely from the use of alcohol."

- (3) Despite the aforementioned provisions set forth in Paragraph 6 of the October 1999 Step II Consent Agreement, the urine specimen you submitted on or about July 11, 2002, for drug screening tested positive for Darvon, and was GC/MS confirmed for the presence of propoxyphene. When questioned by one of the Board's Enforcement Attorneys on or about September 13, 2002, regarding the aforementioned positive test result, you denied any drug use, stating that you had no idea why your urine would have tested positive for Darvon unless you had "inadvertently" ingested it.
- (4) Further, despite the aforementioned provisions set forth in Paragraph 7 of the October 1999 Step II Consent Agreement, the urine specimen you submitted on or about October 24, 2003, for drug screening tested positive for alcohol, and was GC/FID confirmed for the presence of alcohol. When questioned by one of the Board's Investigators on or about November 26, 2003, regarding the aforementioned positive test result, you denied drinking any alcohol, stating that you suspected that the positive test result was due to an herbal cough syrup you had ingested which contained ten percent alcohol as an ingredient.

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (2), (3), and (4) above, individually and/or collectively, constitute "[i]mpairment 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," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (3) and (4) 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,

Craig Louis Rich, M.D.

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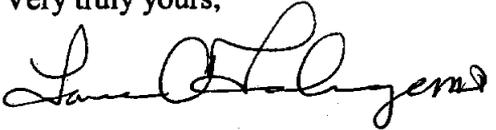
or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

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 or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.  
Secretary

LAT/blt  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5141 6617  
RETURN RECEIPT REQUESTED

**STEP II  
CONSENT AGREEMENT  
BETWEEN  
CRAIG LOUIS RICH, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

CRAIG LOUIS RICH, M.D., 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 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), Ohio Revised Code, as set forth in Paragraph E of the July 1999 Consent Agreement between CRAIG LOUIS RICH, M.D., AND THE STATE MEDICAL BOARD OF OHIO, a copy of which is attached hereto and incorporated herein, 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.

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STEP II CONSENT AGREEMENT

CRAIG LOUIS RICH, M.D.

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- C. CRAIG LOUIS RICH, M.D., is applying for reinstatement of his license to practice medicine and surgery in the State of Ohio, which was suspended pursuant to the terms of the above referenced July 1999 Consent Agreement.
- D. CRAIG LOUIS RICH, M.D., ADMITS that he was assessed for chemical dependency on July 23, 1999, at Edwin Shaw Hospital for Rehabilitation, a BOARD approved treatment provider, in Akron, Ohio. Standardized testing and individual evaluation indicated a diagnosis of chemical dependency. DOCTOR RICH further ADMITS that he was admitted to their outpatient chemical dependency treatment program on August 3, 1999.
- E. CRAIG LOUIS RICH, M.D., STATES and THE STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES that DOCTOR RICH has complied with the reinstatement conditions as set forth in his July 1999 Consent Agreement.
- F. Pursuant to paragraph 8.b.iii of the July 1999 Consent Agreement, DOCTOR RICH obtained the following evaluations from Board approved treatment providers:
1. On or about August 23, 1999, THE STATE MEDICAL BOARD OF OHIO received a letter from Patricia Slevey, CCDC III-E, a Chemical Dependency Counselor at Edwin Shaw Hospital for Rehabilitation. Said letter opined that DOCTOR RICH could return to work due to his abstinence and his involvement in treatment and AA. In her letter dated September 4, 1999, Ms. Slevey recommended that DOCTOR RICH: abstain from all mood-altering drugs, attend continued care at Edwin Shaw Hospital, attend three meetings of Alcoholics Anonymous per week, and obtain an A.A. sponsor and home group within four weeks [of September 2, 1999].
  2. On or about September 9, 1999, THE STATE MEDICAL BOARD OF OHIO received a letter from Robert A. Liebelt, M.D., Director of Ignatia Hall Alcohol/Drug Treatment Center at St. Thomas Medical Center, a BOARD approved treatment provider in Akron, Ohio. Dr. Liebelt opined that that DOCTOR RICH is capable of practicing medicine if he: contacts the Ohio Physicians Effectiveness Program to monitor drug testing results, continues the Outpatient Program at Edwin Shaw, attends the weekly meeting at STEP #1 (Caduceus Program), attends two

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OF OHIO  
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AA meetings each week, submits to random weekly drug screens,  
and meets monthly with a physician monitor.

**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 CRAIG LOUIS RICH, M.D., to practice medicine and surgery in the State of Ohio shall be reinstated, and CRAIG LOUIS RICH, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following PROBATIONARY terms, conditions and limitations:

1. DOCTOR RICH shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. DOCTOR RICH shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT. The first quarterly declaration must be received in the BOARD's offices on the first day of the third month following the month in which the CONSENT AGREEMENT becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the BOARD's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the BOARD's offices on or before the first day of every third month;
3. DOCTOR RICH shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed 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. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR RICH written notification of scheduled appearances, it is DOCTOR RICH's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR RICH shall immediately

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submit to the BOARD a written request to be notified of his next scheduled appearance;

4. In the event that DOCTOR RICH should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR RICH 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, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed;
5. In the event DOCTOR RICH 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 the CONSENT AGREEMENT;

**MONITORING OF REHABILITATION AND TREATMENT**

**Sobriety**

6. DOCTOR RICH shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of DOCTOR RICH's history of chemical dependency;
7. DOCTOR RICH shall abstain completely from the use of alcohol;

**Drug and Alcohol Screens/Supervising Physician**

8. DOCTOR RICH shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR RICH 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;

Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR RICH shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR RICH shall submit the required urine specimens. In approving an individual to serve in this capacity, the BOARD will give preference to a physician who practices in the same locale as DOCTOR RICH. The supervising physician shall ensure that the urine specimens are obtained

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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;

DOCTOR RICH shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, verifying whether all urine screens have been conducted in compliance with this CONSENT AGREEMENT, whether all urine screenings have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities;

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR RICH must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR RICH shall further ensure that the previously designated supervising physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore;

All screening reports and supervising physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR RICH's quarterly declaration. It is DOCTOR RICH's responsibility to ensure that reports are timely submitted;

9. The BOARD retains the right to require, and DOCTOR RICH agrees to submit, blood or urine specimens for analysis at DOCTOR RICH's expense upon the BOARD's request and without prior notice. DOCTOR RICH's refusal to submit a blood or urine specimen upon request of the BOARD shall result in a minimum of one year of actual license suspension;

**Monitoring Physician**

10. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR RICH shall submit for the BOARD's prior approval the name of a monitoring physician, who shall review DOCTOR RICH's patient charts and shall submit a written report of such review to the BOARD on a quarterly basis. In approving an individual to serve in this capacity, the BOARD will give preference to a physician who practices in the same locale as DOCTOR RICH and who is engaged in the same or similar practice specialty. Such chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the BOARD. It shall be DOCTOR

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OF OHIO  
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RICH's responsibility to ensure that the monitoring physician's quarterly reports are submitted to the BOARD on a timely basis;

Further, the monitoring physician shall otherwise monitor DOCTOR RICH and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR RICH shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR RICH must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR RICH shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore;

All monitoring physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR RICH's quarterly declaration. It is DOCTOR RICH's responsibility to ensure that reports are timely submitted;

#### **Rehabilitation Program**

11. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR RICH shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, no less than three (3) times per week. Substitution of any other specific program must receive prior BOARD approval;

DOCTOR RICH shall submit with each quarterly declaration required under Paragraph 2 of this CONSENT AGREEMENT acceptable documentary evidence of continuing compliance with this program;

#### **Aftercare**

12. DOCTOR RICH shall contact an appropriate impaired physicians committee, approved by the BOARD, to arrange for assistance in recovery or aftercare;
13. DOCTOR RICH shall maintain continued compliance with the terms of the aftercare contract entered into with his 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**

STATE MEDICAL BOARD  
OF OHIO  
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14. DOCTOR RICH shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the BOARD, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations;

**Required Reporting by Licensee**

15. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR RICH shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR RICH shall 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;
16. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR RICH shall provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. DOCTOR RICH further agrees to provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, DOCTOR RICH shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt;

**FAILURE TO COMPLY**

17. Any violation of Paragraph 6 or Paragraph 7 of this CONSENT AGREEMENT shall constitute grounds to revoke or permanently revoke DOCTOR RICH's certificate. DOCTOR RICH agrees that the minimum discipline for such a violation shall include actual license suspension. This paragraph does not limit the BOARD's authority to suspend, revoke or permanently revoke DOCTOR RICH's certificate based on other violations of this CONSENT AGREEMENT;
18. DOCTOR RICH AGREES that if any declaration or report required by this CONSENT AGREEMENT is not received in the BOARD's offices on or before its due date, DOCTOR RICH shall cease practicing

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OF OHIO  
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STEP II CONSENT AGREEMENT

CRAIG LOUIS RICH, M.D.

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beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code;

19. DOCTOR RICH AGREES that if, without prior permission from the BOARD, he fails to submit to random screenings for drugs and alcohol at least as frequently as required by Paragraph 8 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the violation and shall refrain from practicing for thirty (30) days for the first instance of a single missed screen. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code; and,
20. DOCTOR RICH AGREES that if he fails to participate in an alcohol and drug rehabilitation program at least as frequently as required by Paragraph 11 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the violation, and shall refrain from practicing for fifteen (15) days following a first missed meeting. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR RICH 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 DOCTOR RICH has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR RICH 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**

This CONSENT AGREEMENT shall remain in force for a minimum of five (5) years prior to any request for termination of said CONSENT AGREEMENT. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

STATE MEDICAL BOARD  
OF OHIO  
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**ACKNOWLEDGMENTS/LIABILITY RELEASE**

DOCTOR RICH 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.

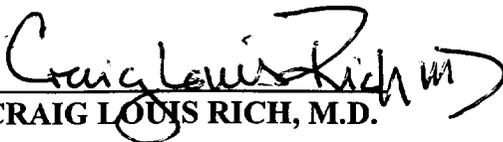
Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

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

**EFFECTIVE DATE**

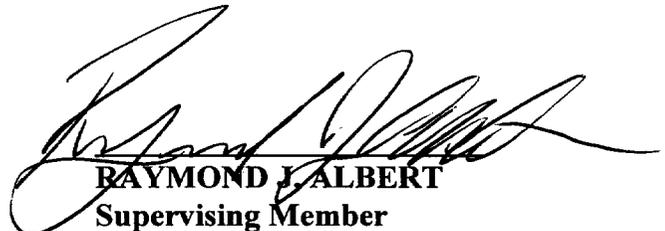
It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and that it shall become effective upon the last date of signature below.

  
CRAIG LOUIS RICH, M.D.

9-29-99  
DATE

  
ANAND G. GARG, M.D.  
Secretary

10/13/99  
DATE

  
RAYMOND J. ALBERT  
Supervising Member

STATE MEDICAL BOARD  
OF OHIO  
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10/13/99  
DATE

  
\_\_\_\_\_  
ANNE B. STRAIT, ESQ.  
Assistant Attorney General

10/13/99  
DATE

STATE MEDICAL BOARD  
OF OHIO  
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**STEP I  
CONSENT AGREEMENT  
BETWEEN  
CRAIG LOUIS RICH, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

CRAIG LOUIS RICH, M.D., 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:

- 1999 JUL 19 AM 11:00  
STATE MEDICAL BOARD OF OHIO
- 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), Ohio Revised Code, as set forth in Paragraph D 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. CRAIG LOUIS RICH, M.D., is licensed to practice medicine and surgery in the State of Ohio.
  - D. CRAIG LOUIS RICH, M.D., STATES that he is not licensed to practice medicine and surgery in any other State.

- E. CRAIG LOUIS RICH, M.D., ADMITS that he has a problem with alcohol and has accepted the fact that he is an alcoholic who engaged in binge drinking.

CRAIG LOUIS RICH, M.D., further ADMITS that on April 9, 1997, at approximately 2:32 a.m., he was cited for operating a vehicle while under the influence of alcohol and/or drugs of abuse, and for operating a vehicle without staying in the lanes/driving off of the roadway. DOCTOR RICH further ADMITS that on April 29, 1997, in the Massillon Municipal Court, Stark County, Ohio, he pled no contest to and was found guilty of violations of Section 4511.19, Ohio Revised Code, "Driving while under the influence of alcohol or drugs or with certain concentration of alcohol in bodily substances; chemical analysis," and Section 4511.33, Ohio Revised Code, "Rules for driving in marked lanes." DOCTOR RICH further ADMITS that he was sentenced to thirty (30) days in jail, with twenty-seven (27) days suspended, and fined \$400.00, with \$150.00 suspended. DOCTOR RICH further ADMITS that he attended seventy-two (72) hour residential treatment at "Quest driver Intervention Program" in lieu of serving a three day jail sentence. DOCTOR RICH further ADMITS that his operator's license was suspended for 180 days.

CRAIG LOUIS RICH, M.D., further ADMITS that on February 17, 1998, at approximately 2:15 a.m., he was arrested by the Massillon (Ohio) Police Department and charged with driving while under the influence of alcohol/drug of abuse and failing to drive in the marked lane. DOCTOR RICH further ADMITS that when he was pulled over he denied having any alcoholic beverages that night. DOCTOR RICH further ADMITS that he failed the field sobriety test. DOCTOR RICH further ADMITS that on March 10, 1998, in the Massillon Municipal Court, Stark County, Ohio, he pled no contest to and was found guilty of violations of Section 4511.19, Ohio Revised Code, "Driving while under the influence of alcohol or drugs or with certain concentration of alcohol in bodily substances; chemical analysis," and Section 4511.33, Ohio Revised Code, "Rules for driving in marked lanes." DOCTOR RICH further ADMITS that he served a ten (10) day jail sentence in the Stark County Jail and that he served thirty (30) days under electronically monitored house arrest. DOCTOR RICH further ADMITS that his operator's license was suspended for one year. DOCTOR RICH further ADMITS that he was ordered by the Court to perform sixty (60) hours of Community Service Work in 120 days. DOCTOR RICH further ADMITS that he did not complete the Community Service Work until on or about May 15, 1999.

STATE MEDICAL BOARD  
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**AGREED CONDITIONS**

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

**SUSPENSION OF CERTIFICATE**

1. The certificate of DOCTOR RICH to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time;

**Sobriety**

2. DOCTOR RICH shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of DOCTOR RICH's history of chemical dependency;

3. DOCTOR RICH shall abstain completely from the use of alcohol;

**Releases; Quarterly Declarations and Appearances**

4. DOCTOR RICH 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 DOCTOR RICH's chemical dependency or related conditions, or for purposes of complying with the CONSENT AGREEMENT, whether such treatment or evaluation occurred before or after the effective date of this CONSENT AGREEMENT. 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. DOCTOR RICH 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.
5. DOCTOR RICH shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT. The first quarterly declaration must be received in the BOARD's offices on the first day of the third month following the month in

1999 JUL -9 11:03  
STATE MEDICAL BOARD  
OF OHIO

which the consent agreement becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the BOARD's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the BOARD's offices on or before the first day of every third month;

6. DOCTOR RICH shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed 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. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR RICH written notification of scheduled appearances, it is DOCTOR RICH's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR RICH shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

Drug & Alcohol Screens; Supervising Physician

7. DOCTOR RICH shall submit to random urine screenings for drugs and alcohol twice a week or as otherwise directed by the BOARD. DOCTOR RICH 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;

Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR RICH shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR RICH shall submit the required urine specimens. 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;

STATE MEDICAL BOARD  
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DOCTOR RICH shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, verifying whether all urine screens have been conducted in compliance with this CONSENT AGREEMENT, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities;

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR RICH must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR RICH shall further ensure that the previously designated supervising physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore;

All screening reports and supervising physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR RICH's quarterly declaration. It is DOCTOR RICH's responsibility to ensure that reports are timely submitted;

**CONDITIONS FOR REINSTATEMENT**

8. The BOARD shall not consider reinstatement of DOCTOR RICH's certificate to practice medicine and surgery unless and until all of the following conditions are met:
- a. DOCTOR RICH shall submit an application for reinstatement, accompanied by appropriate fees, if any;
  - b. DOCTOR RICH 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 DOCTOR RICH has successfully completed any required inpatient treatment;
    - ii. Evidence of continuing full compliance with an aftercare contract or consent agreement;
    - iii. Two written reports indicating that DOCTOR RICH's ability to practice has been assessed and that he has been found

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STATE MEDICAL BOARD  
OF OHIO

capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the BOARD for making such assessments and shall describe the basis for this determination.

- c. DOCTOR RICH shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the BOARD or, if the BOARD and DOCTOR RICH are unable to agree on the terms of a written CONSENT AGREEMENT, then DOCTOR RICH 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.

Further, upon reinstatement of DOCTOR RICH'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 entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code and, upon termination of the consent agreement or Board Order submission to the BOARD for at least two years of annual progress reports made under penalty of BOARD disciplinary action or criminal prosecution stating whether DOCTOR RICH has maintained sobriety.

9. In the event that DOCTOR RICH 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 DOCTOR RICH's fitness to resume practice.

#### **REQUIRED REPORTING BY LICENSEE**

10. Within thirty (30) days of the effective date of this Agreement, DOCTOR RICH shall provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. DOCTOR RICH further agrees to provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, DOCTOR RICH shall provide this BOARD with a copy of the

STATE MEDICAL BOARD  
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return receipt as proof of notification within thirty (30) days of receiving that return receipt.

11. Within thirty (30) days of the effective date of this Agreement, DOCTOR RICH shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR RICH shall 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.

The above described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties.

#### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR RICH 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**

DOCTOR RICH 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.

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DOCTOR RICH 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.

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

**EFFECTIVE DATE**

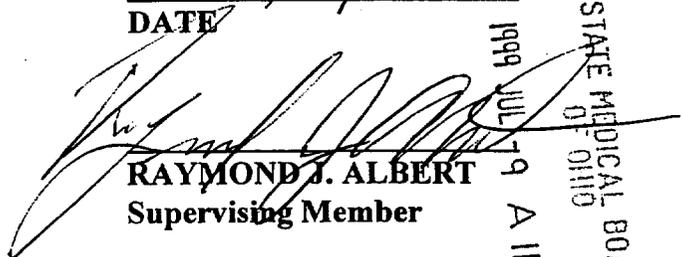
It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
CRAIG LOUIS RICH, M.D.

  
ANAND G. GARG, M.D.  
Secretary

7-8-99  
DATE

7/14/99  
DATE

  
RAYMOND J. ALBERT  
Supervising Member

7/14/99  
DATE

  
ANNE B. STRAIT, ESQ.  
Assistant Attorney General

7/14/99  
DATE

STATE MEDICAL BOARD  
OF OHIO  
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