



STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614)466-3934

October 8, 1997

Patricia J. Bonitatibus, M.D.
9 Kenwood Place
Wheeling, WV 26003

Dear Doctor Bonitatibus:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 8, 1997, 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 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, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Thomas E. Gretter, M.D.
Secretary

TEG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 395 587 629
RETURN RECEIPT REQUESTED

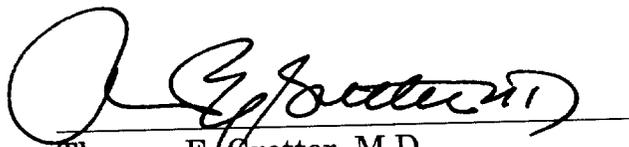
cc: Kevin P. Byers, Esq.
CERTIFIED MAIL RECEIPT NO. Z 395 587 630
RETURN RECEIPT REQUESTED

Mailed 10/15/97

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 8, 1997, 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 Patricia J. Bonitatibus, 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.



Thomas E. Gretter, M.D.
Secretary

(SEAL)

10/9/97
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

PATRICIA J. BONITATIBUS, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on October 8, 1997

Upon the Report and Recommendation of R. Gregory Porter, 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.

PROPOSED ORDER

The certificate of Patricia J. Bonitatibus, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

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

(SEAL)



Thomas E. Gretter, M.D.
Secretary

10/9/97
Date

STATE MEDICAL BOARD
OF OHIO
97 SEP 11 PM 3:04

**REPORT AND RECOMMENDATION
IN THE MATTER OF PATRICIA J. BONITATIBUS, M.D.**

The Matter of Patricia J. Bonitatibus, M.D., was heard by R. Gregory Porter, Esq., Attorney Hearing Examiner for the State Medical Board of Ohio, on August 12, 1997.

INTRODUCTION

I. Basis for Hearing

- A. In the Notice of Summary Suspension and Opportunity for Hearing, dated April 9, 1997, the State Medical Board of Ohio [Board] notified Patricia J. Bonitatibus, M.D., that the Board had adopted an Order of Summary Suspension of her certificate to practice medicine and surgery in Ohio, pursuant to Section 4731.22(D), Ohio Revised Code. The Board further advised that continued practice of medicine would be considered practicing medicine without a certificate, in violation of Section 4731.41, Ohio Revised Code. (State's Exhibit 2)

In addition, the Board notified Dr. Bonitatibus that it proposed to take disciplinary action against her certificate to practice medicine and surgery in Ohio, based upon admissions made by Dr. Bonitatibus in Consent Agreements dated October 15, 1992, and September 6, 1992, and based upon a relapse allegedly reported to the Board by Dr. Bonitatibus, through her attorney, on or about March 26, 1997.

The Board alleged that Dr. Bonitatibus' conduct, individually and/or collectively, constituted "(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."

The Board further alleged that Dr. Bonitatibus' relapse constituted a "(v)iolation 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. Bonitatibus was advised of her right to request a hearing in this Matter.

- B. On May 5, 1997, Terence M. Gurley, Esq., filed a written hearing request on behalf of Dr. Bonitatibus. (State's Exhibit 2)

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Andrew J. Alatis, Assistant Attorney General.
- B. On behalf of Respondent: Kevin P. Byers, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

- A. Presented by the State
Patricia J. Bonitatibus, M.D., as on cross-examination
- B. Presented by Respondent
 - 1. Ernest Bonitatibus, M.D.
 - 2. Patricia J. Bonitatibus, M.D.

II. Exhibits Examined

In addition to State's Exhibit 2, noted above, the following exhibits were identified and admitted into evidence:

- A. Presented by the State
 - 1. State's Exhibit 1: Collection of documents, consisting of the following: August 12, 1997, Stipulations; copy of the September 6, 1995, Consent Agreement between Dr. Bonitatibus and the Board; copy of the October 15, 1992, Consent Agreement between Dr. Bonitatibus and the Board; copy of the July 28, 1994, Consent Agreement between Dr. Bonitatibus and the West Virginia Board of

STATE MEDICAL BOARD
OF OHIO

97 SEP 11 PM 3:04

Medicine; copy of the June 4, 1991, Consent Agreement between Dr. Bonitatibus and the West Virginia Board of Medicine; urine analysis reports for specimens collected from Dr. Bonitatibus on March 5, 6, and 7, 1997, each indicating a positive result for Fentanyl. (Note: The pages of this exhibit were numbered after the hearing in the bottom right corner of each page.)

2. State's Exhibit 3: A collection of procedural exhibits, consisting of copies of the following: Dr. Bonitatibus' request for hearing, sent to the Board on Dr. Bonitatibus' behalf by Terrance M. Gurley, Esq., and received by the Board on May 5, 1997; May 6, 1997, letter to Attorney Gurley from the Board, scheduling the hearing for May 19, 1997; May 6, 1997, letter to Attorney Gurley from the Board advising that a hearing had been scheduled for May 19, 1997, but further advising that the hearing had been postponed pursuant to Section 119.09, Ohio Revised Code; May 15, 1997, Entry granting the Respondent's request for continuance and rescheduling the hearing for June 10, 1997; May 29, 1997, Entry granting the Respondent's request for a continuance and rescheduling the hearing for July 15, 1997; June 13, 1997, Entry granting the Respondent's request for continuance and rescheduling the hearing for August 12, 1997.

B. Presented by the Respondent

1. Respondent's Exhibit A: Curriculum vitae of Patricia J. Bonitatibus, M.D.
2. Respondent's Exhibits B through G: Letters of support for Dr. Bonitatibus.
3. Respondent's Exhibit H: Psychological Evaluation Report concerning Dr. Bonitatibus, authored by Terence A. Tierney, Ph.D. (5 pp.)
4. Respondent's Exhibits I and J: Not admitted. (See Proffered Exhibits, below.)

C. Post-hearing Admissions to the Record

On the hearing Examiner's own motion, the following exhibit is admitted to the record:

Board Exhibit A: A collection of additional procedural exhibits, to supplement State's Exhibit 3, consisting of copies of the following: May 7, 1997, letter to the Attorney Hearing Examiner from Diane L. Gray, Administrative Assistant for the law firm representing Respondent, and attached fax cover sheet; the May 7, 1997, response of the Attorney Hearing Examiner to Ms. Gray's letter; May 8, 1997, Notice of Appearance of Andrew J. Alatis, Esq., as the State's representative; State's May 8, 1997, Stipulation to Continuance; Respondent's May 9, 1997, Motion for Continuance of Hearing; May 19, 1997, Notice of Appearance of Kevin P. Byers, Esq., as the Respondent's representative; Respondent's May 23, 1997, Motion for Continuance; and Respondent's June 2, 1997, Motion for Continuance.

III. Proffered Exhibits

The following items were neither admitted to the record nor examined, but will be held for the Respondent as proffered material:

Respondent's Exhibits I and J: Consent Agreements between the Board and two of its licensees, unrelated to the present matter.

SUMMARY OF THE EVIDENCE

All transcripts of testimony and exhibits, whether or not specifically referred to hereinafter, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. Patricia J. Bonitatibus, M.D., obtained her Doctor of Medicine degree from West Virginia University in 1985. She completed a 12-month rotating internship at West Virginia University Medical Center, and, from 1986 until 1989, performed an anesthesia residency at that same institution. From 1990 until 1997, Dr. Bonitatibus practiced anesthesiology in Wheeling, West Virginia, first at Wheeling Hospital, and later at Ohio Valley Medical Center. (Respondent's Exhibit [Resp. Ex.] A; Transcript at pages [Tr.] 8-10)

STATE MEDICAL BOARD
OF OHIO
97 SEP 11 PM 3: 04

Dr. Bonitatibus testified that she had obtained a degree in education in the mid-1970s, and wanted to teach science in secondary school. She was unable to find a teaching position, however, and took employment in a hospital lab instead. Dr. Bonitatibus testified that she had considered going to medical school when she was younger, "but I never thought I was smart enough or had whatever it took." (Tr. 48-49)

2. On October 15, 1992, Dr. Bonitatibus entered into a Consent Agreement with the Board. It was noted in that Consent Agreement that Dr. Bonitatibus had informed the Board of her history of substance abuse by answering "yes" to questions 10, 12, and 13—which relate to substance abuse—on her application for Ohio licensure. In the Consent Agreement, Dr. Bonitatibus further admitted "that she became addicted to Percocet following child birth in 1985 and continued to abuse Percocet, Vicodin, Tylenol #3 and Darvocet over the next four years." Moreover, Dr. Bonitatibus admitted that, in July 1990, she was diagnosed with depression by a psychiatrist, was prescribed Wellbutrin, an antidepressant medication, and subsequently overdosed on Wellbutrin. Finally, Dr. Bonitatibus admitted "that in August 1990, she voluntarily entered a treatment program for chemical dependency at Chit Chat Farms, the Caron Foundation, Wernersville, Pennsylvania, which she completed in September 1990." (St. Ex. 1, pp. 12-16; Tr. 13-14)

Dr. Bonitatibus entered into the 1992 Consent Agreement "in lieu of formal proceedings based on violations of Sections 4731.22(B)(22) and 4731.22(B)(26), [Ohio Revised Code.]" The Board agreed to grant a certificate to Dr. Bonitatibus subject to probationary terms, conditions, and limitations for at least two years. (St. Ex. 1, pp. 12-16)

Dr. Bonitatibus testified that she had needed an Ohio license because she occasionally covered for an anesthesiologist in Martins Ferry, Ohio. (Tr. 54-55)

3. Dr. Bonitatibus testified that, during her treatment in 1990, she was in "detox" for one day, and that was followed by 28 days of inpatient treatment. Following release, she went to a drug counselor for eight or nine months. In addition, she attended four or five 12-step meetings per week. (Tr. 11)
4. In 1994, while the October 15, 1992, Consent Agreement was still in effect, Dr. Bonitatibus relapsed. She testified that she had a migraine headache, and received a Demerol injection from her family physician, who was aware that she was in recovery. The next day she awoke with another migraine and called her drug counselor. He told her to go back to her physician. Dr. Bonitatibus stated that she continued having headaches, or what she

thought were headaches, for about ten days, “and I just went back on the same merry-go-round.” Dr. Bonitatibus stated that she believes that the first two or three headaches were genuine, but acknowledged that the latter ones may have been “figments of [her] imagination.” (Tr. 15-16, 51, 67-68)

Dr. Bonitatibus testified that there were no extenuating circumstances in her life at the time of her 1994 relapse. She stated that, in fact, her life was going very well at the time, except for the headaches. Dr. Bonitatibus testified that she has “had migraine headaches forever,” and that she has Marfan’s syndrome, which she stated can be associated with migraines. (Tr. 19-20)

Dr. Bonitatibus testified that, during the 1994 relapse, she used Demerol and Vicodin. She obtained the Demerol, as well as some of the Vicodin, from other doctors; however, she wrote several prescriptions for herself in order to obtain Vicodin. (Tr. 16-17)

Dr. Bonitatibus testified that she informed the Board of her relapse at a regularly scheduled meeting. (Tr. 17-18)

5. Dr. Bonitatibus testified that, following her 1994 relapse, she received inpatient treatment at Gateway Rehabilitation Center in Aliquippa, Pennsylvania, from May 21 through May 31, 1994. Subsequent to this treatment, she started seeing a different counselor, and tried to work her 12-step program very intensely. (Tr. 18-19)
6. On September 6, 1995, Dr. Bonitatibus entered into a second Consent Agreement with the Board. Dr. Bonitatibus stipulated in that document “that she has not fully complied with the terms, conditions and limitations of the October 15, 1992, Consent Agreement, nor with her former Consent Order with the West Virginia Board of Medicine.” Dr. Bonitatibus admitted that she had suffered a relapse on narcotic controlled substance medications, and had received inpatient treatment for purposes of detoxification and treatment for her chemical dependency. (St. Ex. 1, pp. 5-11)

Dr. Bonitatibus entered into this Consent Agreement “in lieu of further formal proceedings based upon the violations of Section 4731.22(B)(26), Ohio Revised Code, * * * and Section 4731.22(B)(15), Ohio Revised Code[.]” In this Consent Agreement, Dr. Bonitatibus agreed to a number of probationary terms conditions, and limitations for a minimum of two years. Among these terms, Dr. Bonitatibus agreed that she “shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered

97 SEP 11 PM 3:04

to her by another so authorized by law who has full knowledge of Dr. Bonitatibus' history of substance abuse." (St. Ex. 1, pp. 5-11; Tr. 21-22)

7. Toxicology reports for urine samples collected from Dr. Bonitatibus on March 5, 6, and 7, 1997, indicated that the samples tested positive for Fentanyl. (St. Ex. 1, pp. 34-36)
8. Dr. Bonitatibus testified that she relapsed again sometime around January 1997. Dr. Bonitatibus testified that she used Fentanyl once or twice during January 1997. This increased to about once per week in February, then perhaps two or three times per week in March. Dr. Bonitatibus has not used Fentanyl since March, 1997. (Tr. 23-24)

Dr. Bonitatibus testified that this relapse was triggered when her boss, to whom she was very close, suffered a terminal illness. When this occurred, things started going downhill for her at work: "I didn't feel safe there anymore. My partners were all fighting among themselves, there were people grabbing power and there was a lot of political things in the hospital. They were putting pressure on us to do impossible things, and I don't want to use it as an excuse, but that's what was going on at the time." (Tr. 22-23)

9. Dr. Bonitatibus testified that she met with representatives of the Board at a probationary meeting on March 13, 1997. Dr. Bonitatibus acknowledged that she did not inform the Board at that time of her relapse. She also acknowledged that she did not have her attorney report her relapse to the Board until after her urine screens tested positive for Fentanyl. (Tr. 24-25)

Dr. Bonitatibus further acknowledged that she was not honest with her drug counselor during her most recent relapse, because she knew that the counselor had to report her to the West Virginia and Ohio Boards. Dr. Bonitatibus stated that was the way she was thinking at that time. (Tr. 73-74)

10. Dr. Bonitatibus testified that she was told on March 25, 1997, that her urine screens had tested positive for Fentanyl. She testified that she did not know if she would have reported her drug relapse had she not been caught. Dr. Bonitatibus indicated that she also abused Ultram during the time period from January to March 1997. (Tr. 26-27)
11. Dr. Bonitatibus testified that she obtained Fentanyl from medication that should have been discarded after a portion had been administered to a patient. Fentanyl comes in 5 cc. vials, but the patient may only require 1 or 2 cc. Dr. Bonitatibus saved the leftover drug for her own use. (Tr. 28)

Dr. Bonitatibus testified that physicians should dispose of wasted medication in front of a witness, but that the facility where she worked was so short of people that “no one ever showed anybody else their waste.” Dr. Bonitatibus testified that the hospital never required a counter-signature for wasted medication. (Tr. 52-53)

Dr. Bonitatibus acknowledged that the half-life of Fentanyl is from three to twelve hours. She acknowledged that she continued to practice during her relapse, and that her ability to practice was impaired. (Tr. 30-32)

12. Dr. Bonitatibus testified that, in March 1997, she received a call at home from the hospital concerning the positive urine toxicology reports. She was suspended from working at the hospital, and told that she was not allowed to come to the hospital or to communicate with any staff there. Dr. Bonitatibus testified that such a call was not really unexpected under the circumstances, but it still came as something of a shock. (Tr. 55-56)

After she received that call, Dr. Bonitatibus contacted her attorney in West Virginia and asked him to surrender both her West Virginia and Ohio certificates. He surrendered her West Virginia certificate, but, when he contacted the Ohio Board, a staff person “suggested to him that [Dr. Bonitatibus] not give it up.” (Tr. 56)

Dr. Bonitatibus testified that she has since had a change of heart. Dr. Bonitatibus said she hopes to pursue a residency in psychiatry with an emphasis on addiction. She is attempting to obtain a training permit for West Virginia. “I believe I could do a good job. I can’t curl up in a corner and fade away because I have an addiction.” (Tr. 53-54, 56-57)

13. Dr. Bonitatibus testified that she has not practiced medicine since March 1997. (Tr. 77)
14. By Stipulations entered into between Dr. Bonitatibus and the Board on August 12, 1997, for purposes of the present hearing, Dr. Bonitatibus stipulated to, among other things, the following:
 - Dr. Bonitatibus admitted “that between January 1997 and March 1997, and specifically on March 5, 1997, March 6, 1997, [and] March 7, 1997, she experienced a relapse in her chemical dependency by abusing narcotics, particularly Fentanyl, a Scheduled II controlled substance.”

97 SEP 11 PM 3:04

- “On March 5, 1997, Dr. Bonitatibus came to work at Ohio Valley Medical Center (“OVMC”) and began performing anesthesia services to patients at 9:30 a.m. and her last scheduled case concluded at 3:37 p.m. On March 5, 1997, at 1:05 p.m., Dr. Bonitatibus provided to OVMC a urine sample for drug testing. On March 6, 1997, and on March 7, 1997, Dr. Bonitatibus was also responsible to administer anesthesia to surgery patients. Also on March 6 and March 7, 1997, Dr. Bonitatibus submitted urine samples to OVMC for drug screening.”
- “Dr. Bonitatibus’ drug screens [for March 5, 6, and 7, 1997,] indicated that Dr. Bonitatibus had suffered a relapse of a narcotic controlled substance, specifically Fentanyl[.]”
- “Dr. Bonitatibus, through her attorney, notified the State Medical Board of Ohio on or about March 26, 1997, that she had suffered a relapse of her chemical dependency by using Fentanyl, a Schedule II controlled substance, and that she tested positive for Fentanyl on three consecutive days in March 1997.”
- Dr. Bonitatibus “stipulates that she has violated the terms, conditions and limitations of her current (September 6, 1995) Consent Agreement with the State Medical Board of Ohio.”

(St. Ex. 1, pp. 1-4)

15. Dr. Bonitatibus testified that, if her relapse had not been detected in March 1997, she would “probably be dead.” She further testified that, “every morning on the way to work I would pray that please don’t let me pick up anything today. And then I get to work and the same cycle of craziness would go on.” Dr. Bonitatibus said that she would then find herself adding Fentanyl to a cup of coffee. Later, “I would just beat up myself on the way home. I got so bad in the morning I would pray I would wreck my car into a wall or something because I didn’t want to go to work.” Nevertheless, Dr. Bonitatibus felt obliged to continue working because her place of employment was understaffed. (Tr. 33-36)

Dr. Bonitatibus contacted her therapist on March 25, 1997, concerning her last relapse, and her counselor advised her to do the 12 steps rather than seek further inpatient rehabilitation. Dr. Bonitatibus believes that her therapist is a very good one, and she continues to visit her therapist weekly.

Dr. Bonitatibus stated that her therapist is a Licensed Independent Social Worker and a Certified Alcohol Counselor. (Tr. 59-60)

Dr. Bonitatibus testified that she abused drugs in order to fill an emptiness that she felt inside. She stated that drugs remove this empty feeling for awhile, "but then it always comes back." Dr. Bonitatibus testified that she now tries to fill that empty feeling through "[m]editation, reading, [and] 12-step study groups." Dr. Bonitatibus testified that she currently attends meetings on a daily basis. (Tr. 27-28, 32-33)

Dr. Bonitatibus testified that the 12 steps have enabled her to reduce this empty feeling; however, she testified that it requires daily effort on her part. Dr. Bonitatibus testified that she strongly believes in the 12-step process, and believes that it is the only thing that is truly effective in helping people with drug and alcohol problems. (Tr. 63, 69-71)

Dr. Bonitatibus testified that she prefers to attend meetings of Alcoholics Anonymous [AA] rather than Narcotics Anonymous [NA]. Dr. Bonitatibus testified that, in her area, "the AA is a lot stronger in sobriety than the NA is." (Tr. 36-37)

16. Dr. Bonitatibus testified that she is glad that she got out of anesthesiology before any of her patients suffered or had a bad outcome as a result of her substance abuse. (Tr. 72)

Dr. Bonitatibus testified that she has never been charged, by a hospital or any other entity, with rendering substandard care. She further testified that she has never been called before a complaint committee about her care. In addition, Dr. Bonitatibus testified that she has never been sued for malpractice. (Tr. 53)

Dr. Bonitatibus denied that she ever shorted her patients' medication in order to obtain drugs. (Tr. 52)

17. If allowed to continue to practice medicine at some time in the future, Dr. Bonitatibus testified that she would never be able to practice anesthesia again, because "[i]t's too dangerous." She stated that drug screens would also help her to maintain sobriety. Nevertheless, Dr. Bonitatibus testified that she is no longer having urine screens done, because she is no longer allowed in the hospital where she worked, and because they cost about \$110 apiece and she presently has no income. If necessary, however, she will find a way to do it. (Tr. 38, 79)
18. Dr. Bonitatibus testified that she was referred to the Farley Center for Recovery, in Williamsburg, Virginia, by the American Society of

97 SEP 11 PM 3:04

- Anesthesiologists. She testified that she participated voluntarily in an evaluation. This evaluation took place on May 28, 1997. A Psychological Evaluation Report from this evaluation was admitted to the record as Resp. Ex. H. Dr. Bonitatibus testified that the final recommendation was to follow a more intensive outpatient program, which she stated she has done. (Please note that the State did not have an opportunity to cross-examine the author of this report.) (Resp. Ex. H; Tr. 60-63)
19. Ernest Bonitatibus, M.D., testified on behalf of Dr. Bonitatibus. He is the husband of Dr. Bonitatibus. They have been married since April 1976. (Tr. 42)
 20. Dr. Ernest Bonitatibus is a practicing physician licensed in the State of West Virginia. He obtained his Doctor of Medicine degree from West Virginia University in 1975. Dr. Ernest Bonitatibus trained in family medicine from 1975 through 1976. Since that time, he has practiced emergency medicine. He currently practices emergency medicine at Wheeling Hospital. (Tr. 40-41)
 21. Dr. Ernest Bonitatibus testified that Dr. Patricia Bonitatibus' reputation as a physician is good. He said that surgeons that have worked with her have told him that she was the best anesthesiologist in Wheeling. Dr. Ernest Bonitatibus further testified that her history of substance abuse is well known in her medical community. (Tr. 42-44)
 22. Dr. Ernest Bonitatibus testified that he attended the family program at Chit Chat Farms while Dr. Patricia Bonitatibus was in inpatient treatment there. He also has attended AA meetings with her. (Tr. 44-45)
 23. Dr. Bonitatibus identified several letters of support written on her behalf. She testified that each of the authors of these letters is aware of her history of substance abuse. (Please note that the State did not have the opportunity to cross-examine the authors of these letters.) (Resp. Exs. B through G; Tr. 64-67)

FINDINGS OF FACT

The evidence presented by the State in this matter was not disputed. Such evidence is sufficient to support the Board's allegations that:

1. "On or about October 15, 1992, [Patricia J. Bonitatibus, M.D.,] entered into a Consent Agreement with the State Medical Board of Ohio in lieu of formal proceedings based upon [her] violation of Sections 4731.22(B)(22) and (B)(26), Ohio Revised Code. In this Consent Agreement, the Board agreed to grant to

[Dr. Bonitatibus] a certificate to practice medicine and surgery in the State of Ohio, and [she] agreed with the Board to certain specified probationary terms, conditions, and limitations for a minimum of two (2) years.

“In this Consent Agreement, [Dr. Bonitatibus] made certain admissions, including that [she] became addicted to Percocet following child birth in 1985 and continued to abuse Percocet, Vicodin, Tylenol #3 and Darvocet over the next four years; that in July 1990 [she] was diagnosed with depression for which [she] received the anti-depressant medication Wellbutrin, upon which [she] subsequently overdosed; and that in August and September 1990 [she] received chemical dependency treatment at Chit Chat Farms in Wernersville, Pennsylvania.”

2. “On or about September 6, 1995, [Dr. Bonitatibus] entered into a second Consent Agreement with the [Board] in lieu of formal proceedings based upon [her] violations of Sections 4731.22(B)(15) and (B)(26), Ohio Revised Code.
* * *

“In this Consent Agreement, [Dr. Bonitatibus] stipulated that [she] had not fully complied with the terms, conditions and limitations of the October 15, 1992, Consent Agreement, nor with [her] former Consent Order with the West Virginia Board of Medicine. [Dr. Bonitatibus] also made certain admissions, including that [she] had been treated for chemical dependency at Gateway Rehabilitation Center in Aliquippa, Pennsylvania, in May 1994 following a relapse of [her] chemical dependency. [Dr. Bonitatibus] also therein agreed with the Board to certain probationary terms, conditions, and limitations for a minimum of two (2) years.

“(a) Paragraph 8 of this Consent Agreement states that [she] “shall abstain completely from the personal use and possession of drugs, except those prescribed, dispensed or administered to [her] by another so authorized by law who has full knowledge of [her] history of chemical dependency.”

“(b) Despite this provision, [Dr. Bonitatibus], through [her] attorney, notified the Board on or about March 26, 1997, that [she] had suffered a relapse of [her] chemical dependency by using fentanyl, a Scheduled II controlled substance, and that [she] tested positive for fentanyl on three consecutive days in March 1997.”

97 SEP 11 PM 3:04

CONCLUSIONS OF LAW

1. The acts, conduct, and/or omissions of Patricia J. Bonitatibus, M.D., as set forth in Findings of Fact 1 and 2, 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.
2. The acts, conduct, and/or omissions of Dr. Bonitatibus, as set forth in Findings of Fact 2, above, individually and/or collectively, constitute “[v]iolation 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.

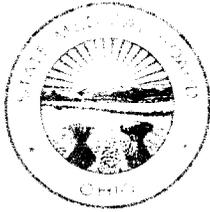
PROPOSED ORDER

The certificate of Patricia J. Bonitatibus, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

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



R. Gregory Porter
Attorney Hearing Examiner



STATE MEDICAL BOARD OF OHIO

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

NOTICE OF SUMMARY SUSPENSION

AND

OPPORTUNITY FOR HEARING

April 9, 1997

Patricia J. Bonitatibus, M.D.
9 Kenwood Place
Wheeling, West Virginia 26003

Dear Doctor Bonitatibus:

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 April 9, 1997, including a Motion adopting the Order of Summary Suspension and issuing the Notice of Opportunity for Hearing pursuant to Section 4731.22(D), 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 (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

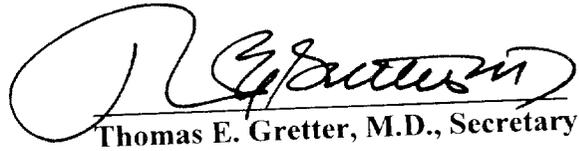
Additionally, pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing on the allegations set forth in the Notice of Opportunity for Hearing. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty (30) days of the time of

mailed 4/14/97

PATRICIA J. BONITATIBUS, M.D.
Page 2

mailing of this notice. Further information concerning such hearing is contained within the Notice of Opportunity for Hearing.

THE STATE MEDICAL BOARD OF OHIO


Thomas E. Gretter, M.D., Secretary

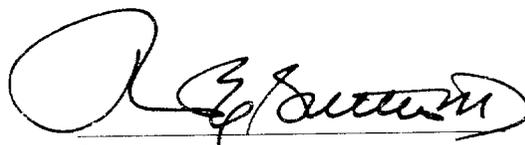
TEG:bjs

Enclosures

CERTIFICATION

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio; the Notice of Opportunity for Hearing; and the Motion by the State Medical Board, meeting in regular session on October 9, 1996, to Adopt the Order of Summary Suspension and to Issue the Notice of Opportunity for Hearing, constitute true and complete copies of the Notice of Opportunity for Hearing, Motion, and Order of the State Medical Board of Ohio in the matter of Patricia J. Bonitatibus, M.D., 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.



Secretary

(SEAL)

4/10/97

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

PATRICIA J. BONITATIBUS, M.D.

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 9th day of April 1997.

Pursuant to Section 4731.22(D), Ohio Revised Code, and upon recommendation of Thomas E. Gretter, M.D., Secretary and Raymond J. Albert, Supervising Member; and

Pursuant to their determination that there is clear and convincing evidence that Patricia J. Bonitatibus, M.D., has violated Sections 4731.22(B)(15) and (26), Ohio Revised Code, as alleged in Notice of Opportunity for Hearing which is attached hereto and fully incorporated herein, which determination is based upon review of information received pursuant to an investigation; and

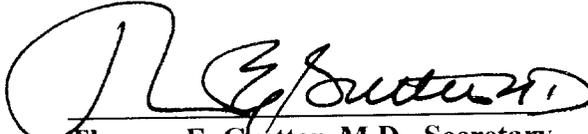
Pursuant to their further determination that Dr. Bonitatibus' continued practice presents a danger of immediate and serious harm to the public;

The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 9th day of April 1997;

It is hereby ORDERED that the certificate of Patricia J. Bonitatibus, M.D., to practice medicine or surgery in the State of Ohio be summarily suspended.

It is further ORDERED that Patricia J. Bonitatibus, M.D., shall immediately close all her medical offices and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.

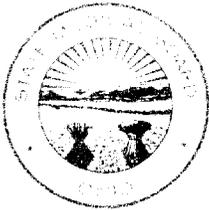


Thomas E. Gretter, M.D., Secretary

(SEAL)

4/10/97

Date



STATE MEDICAL BOARD OF OHIO

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

NOTICE OF OPPORTUNITY FOR HEARING

Patricia J. Bonitatibus, M.D.
9 Kenwood Place
Wheeling, West Virginia 26003

Dear Doctor Bonitatibus:

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 October 15, 1992, you entered into a Consent Agreement with the State Medical Board of Ohio in lieu of formal proceedings based upon your violation of Sections 4731.22(B)(22) and (B)(26), Ohio Revised Code. In this Consent Agreement, the Board agreed to grant to you a certificate to practice medicine and surgery in the State of Ohio, and you agreed with the Board to certain specified probationary terms, conditions, and limitations for a minimum of two (2) years.

In this Consent Agreement, you made certain admissions, including that you became addicted to Percocet following child birth in 1985 and continued to abuse Percocet, Vicodin, Tylenol #3 and Darvocet over the next four years; that in July 1990 you were diagnosed with depression for which you received the anti-depressant medication Wellbutrin, upon which you subsequently overdosed; and that in August and September 1990 you received chemical dependency treatment at Chit Chat Farms in Wernersville, Pennsylvania.

- (2) On or about September 6, 1995, you entered into a second Consent Agreement with the State Medical Board of Ohio in lieu of formal proceedings based upon your violation of Sections 4731.22(B)(15) and (B)(26), Ohio Revised Code. A copy of this Consent Agreement, which terminated the October 15, 1992, Consent Agreement, is attached hereto and incorporated herein.

In this Consent Agreement, you stipulated that you had not fully complied with the terms, conditions and limitations of the October 15, 1992, Consent Agreement, nor with your former Consent Order with the West Virginia Board of Medicine. You also made certain admissions, including that you had been treated for chemical dependency at Gateway Rehabilitation Center in Aliquippa, Pennsylvania, in May 1994 following a relapse of your chemical dependency. You also therein agreed with the Board to certain probationary terms, conditions, and limitations for a minimum of two (2) years.

- (a) Paragraph 8 of this Consent Agreement states that you "shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to [you] by another so authorized by law who has full knowledge of [your] history of chemical dependency."
- (b) Despite this provision, you, through your attorney, notified the Board on or about March 26, 1997, that you had suffered a relapse of your chemical dependency by using fentanyl, a Schedule II controlled substance, and that you tested positive for fentanyl on three consecutive days in March 1997.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) 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 paragraph (2) above, individually and/or collectively, constitute a "(v)iolation 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.

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.

PATRICIA BONITATIBUS
PAGE 3

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.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. E. Gretter, M.D.", written in a cursive style.

Thomas E. Gretter, M.D.
Secretary

TEG/bjs
Enclosures

CERTIFIED MAIL # P 152 984 672
RETURN RECEIPT REQUESTED

cc: Terrance M. Gurley, Esq.
CERTIFIED MAIL # P 152 984 673
RETURN RECEIPT REQUESTED

rev. 2/15/95

**CONSENT AGREEMENT
BETWEEN
PATRICIA J. BONITATIBUS, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

PATRICIA J. BONITATIBUS, M.D., enters into this Agreement being fully informed of her 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." The State Medical Board is further empowered by Section 4731.22(B)(15), 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 "(v)iolation 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."
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of further formal proceedings based upon the violations of Section 4731.22(B)(26), Ohio Revised Code, as detailed in paragraph F below, and Section 4731.22(B)(15), Ohio Revised Code, as detailed in paragraphs E and F below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. PATRICIA J. BONITATIBUS, M.D., is licensed to practice medicine and surgery in the State of Ohio.
- D. PATRICIA J. BONITATIBUS, M.D. ADMITS that on October 15, 1992, she entered into a CONSENT AGREEMENT with the STATE MEDICAL BOARD OF OHIO, in lieu of formal disciplinary proceedings at that time.

95 SEP - 1 9 11 32
STATE MEDICAL BOARD
OF OHIO

DOCTOR BONITATIBUS further ADMITS that such CONSENT AGREEMENT, which was to remain in force for a minimum of two (2) years, contained probationary terms, conditions and limitations subject to which her license to practice medicine and surgery in the State of Ohio was granted. A copy of the October 15, 1992, CONSENT AGREEMENT is attached hereto and fully incorporated herein.

E. PATRICIA J. BONITATIBUS, M.D. STIPULATES that she has not fully complied with the terms, conditions and limitations of the October 15, 1992, CONSENT AGREEMENT, nor with her former CONSENT ORDER with the West Virginia Board of Medicine.

F. PATRICIA J. BONITATIBUS, M.D. ADMITS that on June 3, 1994, she, through her attorney, notified the BOARD that she had suffered a relapse on narcotic controlled substances and had again sought treatment for her chemical dependency. DOCTOR BONITATIBUS further ADMITS that she was an inpatient for purposes of detoxification and treatment for her chemical dependency at Gateway Rehabilitation Center in Aliquippa, Pennsylvania, from May 21, 1994, through May 31, 1994, following her relapse.

DOCTOR BONITATIBUS further STATES that on August 11, 1994, she fully discussed her relapse and subsequent treatment when she made her regularly scheduled probationary appearance before the Secretary of the STATE MEDICAL BOARD OF OHIO pursuant to the terms of the October 15, 1992, CONSENT AGREEMENT.

G. PATRICIA J. BONITATIBUS, M.D., ADMITS that she entered into a new CONSENT ORDER with the West Virginia Board of Medicine on July 28, 1994, a copy of which is attached hereto and fully incorporated herein.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, PATRICIA J. BONITATIBUS, 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 BONITATIBUS shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio and shall fully comply with the conditions and limitations of her July 28, 1994, Agreement with the West Virginia Board of Medicine, provided that where the terms of the Agreement with the West Virginia Board of Medicine conflict with the terms of this Agreement, this Agreement shall control for Board purposes;

2. DOCTOR BONITATIBUS 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, as well as the conditions and limitations of her Agreement with the West Virginia Board of Medicine;
3. DOCTOR BONITATIBUS shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD;
4. In the event DOCTOR BONITATIBUS is found by the Secretary of the Board to have failed to comply with any provision of this 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;
5. DOCTOR BONITATIBUS shall keep a log of all controlled substances prescribed, dispensed or administered by her in the State of Ohio, in the State of West Virginia, or in any other state in which she practices. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR BONITATIBUS' personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD;
6. DOCTOR BONITATIBUS shall have all orders and/or prescriptions for controlled substances as defined by State or Federal law and as permitted by this CONSENT AGREEMENT, if made in the State of Ohio, countersigned within seventy-two (72) hours by a physician who is fully authorized under State and Federal law to prescribe, dispense and administer controlled substances and also is employed and/or has privileges in the hospital or institution in which DOCTOR BONITATIBUS is employed and/or has privileges;
7. If DOCTOR BONITATIBUS administers any medications or controlled substances in the State of Ohio, in the State of West Virginia, or in any other state in which she practices, she shall have the disposal of any waste medications or controlled substances witnessed and reflected in the daily log referred to in paragraph five (5) above;
8. DOCTOR BONITATIBUS shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered

to her by another so authorized by law who has full knowledge of DOCTOR BONITATIBUS' history of chemical dependency;

9. DOCTOR BONITATIBUS shall abstain completely from the use of alcohol;
10. DOCTOR BONITATIBUS shall submit to random urine screenings for drugs and alcohol twice weekly or as otherwise directed by the BOARD. DOCTOR BONITATIBUS 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 Agreement, DOCTOR BONITATIBUS shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR BONITATIBUS 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;

DOCTOR BONITATIBUS 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 BONITATIBUS must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR BONITATIBUS shall further ensure that the previously designated supervising physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefor;

11. The BOARD retains the right to require, and DOCTOR BONITATIBUS agrees to submit, blood or urine specimens for analysis upon request and without prior notice;
12. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR BONITATIBUS shall submit for the BOARD's

prior approval the name of a monitoring physician, who shall otherwise monitor DOCTOR BONITATIBUS and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR BONITATIBUS 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 BONITATIBUS must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR BONITATIBUS shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefor;

13. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR BONITATIBUS shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, approved in advance by the BOARD specifically for DOCTOR BONITATIBUS, no less than five (5) times per week. Substitution of any specific program must receive prior BOARD approval. Further, DOCTOR BONITATIBUS shall keep a log of her attendance at such meetings and, at her appearances before the BOARD or its designated representative, DOCTOR BONITATIBUS shall submit such log as documentary evidence of continuing compliance with this program;

DOCTOR BONITATIBUS shall seek and maintain a sponsor in A.A. or N.A. who will be permitted to review her log and who will meet with DOCTOR BONITATIBUS regularly and at least once every thirty (30) days and said sponsor shall file written reports with the BOARD every (60) days, beginning August 1, 1995, confirming the required attendance of DOCTOR BONITATIBUS at A.A. or N.A. meetings and with the sponsor;

14. DOCTOR BONITATIBUS 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 BONITATIBUS shall maintain continued compliance with the terms of the aftercare contract entered into with her treatment provider, provided, that where terms of the aftercare contract conflict with terms of this Agreement, the terms of this Agreement shall control;

16. **DOCTOR BONITATIBUS shall provide continuing authorization, through appropriate written consent forms, for disclosure by her 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; and**
17. **Within thirty (30) days of the effective date of this Agreement, DOCTOR BONITATIBUS shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which she is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, DOCTOR BONITATIBUS shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments during the period in which this Consent Agreement remains in force.**

This Agreement shall remain in force for a minimum of two (2) years prior to any request for termination of said 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.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR BONITATIBUS 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 BONITATIBUS acknowledges that she 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 BONITATIBUS 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. 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.

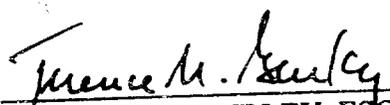
The October 15, 1992, CONSENT AGREEMENT between PATRICIA J. BONITATIBUS, M.D., and the STATE MEDICAL BOARD OF OHIO shall be terminated upon the last date of signature below, concurrent with this CONSENT AGREEMENT becoming effective. Further, this CONSENT AGREEMENT, upon becoming effective, shall contain the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of the CONSENT AGREEMENT.

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

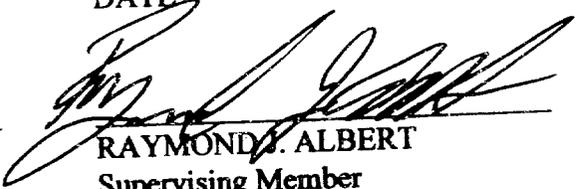

PATRICIA J. BONITATIBUS, M.D.


THOMAS E. GRETTER, M.D.
Secretary

8/31/95
DATE


TERENCE M. GURLEY, ESQ.
Atty. for Dr. Bonitatibus

DATE


RAYMOND J. ALBERT
Supervising Member

8/31/95
DATE

9/6/95
DATE


ANNE C. BERRY STRAIT, ESQ.
Assistant Attorney General

9/6/95
DATE

**CONSENT AGREEMENT
BETWEEN
PATRICIA J. BONITATIBUS, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

PATRICIA J. BONITATIBUS, M.D. enters into this Agreement being fully informed of her 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:

- 92 OCT -2- PM 2:31
OF OHIO
MEDICAL BOARD
- 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 is empowered by Section 4731.22(B) (22) 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 the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees.
 - C. THE STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Sections 4731.22 (B) (22) and 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.
 - D. PATRICIA J. BONITATIBUS, M.D., an anesthesiologist, has submitted an application for licensure to practice medicine and surgery in the State of Ohio.
 - E. DOCTOR BONITATIBUS ADMITS that she answered "YES" to question numbers 10., 12., and 13. on the Additional Information portion of the aforementioned application, which read as follows:
 - (10.) Have you ever entered into an agreement of any kind with respect to a professional license, whether oral or

CONSENT AGREEMENT
PATRICIA J. BONITATIBUS, M.D.
PAGE TWO

1 - 2 PM 2:31
MEDICAL BOARD
OF OHIO

written, in lieu of formal disciplinary action, with any board, bureau, department, agency or other body?

(12.) Are you now or have you ever been addicted to or excessively used alcohol, narcotics, barbiturates, or other drugs affecting the central nervous system, or any drugs which may cause physical or psychological dependence?

(13.) Have you ever been a patient (voluntary or otherwise) in any institution for the treatment of emotional or mental illness, drug addiction or abuse, or alcohol problem?

F. DOCTOR BONITATIBUS ADMITS that she became addicted to Percocet following child birth in 1985 and continued to abuse Percocet, Vicodin, Tylenol #3 and Darvocet over the next four years.

G. DOCTOR BONITATIBUS ADMITS that in July, 1990, she was diagnosed by a psychiatrist with depression, for which she received the anti-depressant medication Wellbutrin, upon which she subsequently overdosed.

H. DOCTOR BONITATIBUS ADMITS that in August, 1990, she voluntarily entered a treatment program for chemical dependency at Chit Chat Farms, the Caron Foundation, Wernersville, Pennsylvania, which she completed in September, 1990.

I. DOCTOR BONITATIBUS ADMITS that on June 4, 1991, she entered into an Agreement with the West Virginia Board of Medicine, imposing conditions and limitations upon her medical license for a period of three (3) years.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, PATRICIA J. BONITATIBUS, M.D. knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD) that, upon approval of the Board, DOCTOR BONITATIBUS shall be granted a license to practice medicine and surgery in the State of Ohio subject to the following probationary terms, conditions and limitations:

1. DOCTOR BONITATIBUS shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio and shall fully comply with the conditions and limitations of her Agreement with the West Virginia Board of Medicine;
2. DOCTOR BONITATIBUS shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of this Consent Agreement, as well as the conditions and limitations of her Agreement with the West Virginia Board of Medicine;
3. DOCTOR BONITATIBUS 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;

CONSENT AGREEMENT
PATRICIA J. BONITATIBUS, M.D.
PAGE THREE

STATE MEDICAL BOARD
OF OHIO
92 OCT -2 PM 2:31

4. DOCTOR BONITATIBUS shall keep a log of all controlled substances ordered, prescribed, dispensed, or administered by her in the State of Ohio. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR BONITATIBUS' personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD;
5. DOCTOR BONITATIBUS shall have all orders and/or prescriptions for controlled substances as defined by State or Federal law and as permitted by this Consent Agreement countersigned within seventy-two (72) hours by a physician who is fully authorized under State and Federal law to prescribe, administer and dispense controlled substances and also is employed and/or has privileges in the hospital or institution in which DOCTOR BONITATIBUS is employed and /or has privileges;
6. If DOCTOR BONITATIBUS administers any medications or controlled substances, she shall have the disposal of any waste medications or controlled substances witnessed and reflected in the daily log referred to in paragraph four (4) above;
7. DOCTOR BONITATIBUS shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of DOCTOR BONITATIBUS' history of chemical dependency;
8. DOCTOR BONITATIBUS shall abstain completely from the use of alcohol;
9. DOCTOR BONITATIBUS shall submit to random urine screenings for controlled substances and alcohol twice each month or as otherwise directed by the BOARD. DOCTOR BONITATIBUS is to ensure that all screening reports are forwarded directly to the BOARD on a monthly basis;

DOCTOR BONITATIBUS 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 BONITATIBUS 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 BONITATIBUS must immediately notify the BOARD in writing, and make

arrangements acceptable to the BOARD for another supervising physician as soon as practicable;

10. The BOARD retains the right to require, and DOCTOR BONITATIBUS agrees to submit, blood or urine specimens for analysis upon request and without prior notice;
11. Within 30 days of the effective date of this Consent Agreement, DOCTOR BONITATIBUS shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, acceptable to the BOARD no less than three (3) times per week. At her appearances before the BOARD or its designated representative, DOCTOR BONITATIBUS shall submit documentary evidence of continuing compliance with this program;
12. DOCTOR BONITATIBUS shall obtain the approval of the BOARD for any medical practice or employment in Ohio 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;
13. DOCTOR BONITATIBUS shall contact an impaired professional program to arrange for assistance in recovery/aftercare, other than as required by Paragraph 11 of this Agreement;
14. DOCTOR BONITATIBUS shall provide all employers and the Chief of Staff at each hospital where she has, applies for, or obtains privileges with a copy of this Consent Agreement.

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this Agreement shall remain in force for a minimum of 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 BONITATIBUS 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 BONITATIBUS acknowledges that she 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.

STATE MEDICAL BOARD
OF OHIO
92 OCT -2 PM 2:31

STATE MEDICAL BOARD
OF OHIO
92 OCT -2 PM 2:31

CONSENT AGREEMENT
PATRICIA J. BONITATIBUS, M.D.
PAGE FIVE

DOCTOR BONITATIBUS 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.

This information may be reported to appropriate organizations, data banks and governmental bodies. This Consent Agreement shall become effective, upon the last date of signature below.

Patricia J. Bonitatibus M.D.
PATRICIA J. BONITATIBUS, M.D.,

9/26/92
DATE

Terence M. Gurley
TERENCE M. GURLEY, ESQ.

9/30/92
DATE

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

10/14/92
DATE

Ronald J. Kaplansky
RONALD J. KAPLANSKY, D.P.M.
Supervising Member

10/7/92
DATE

Susan C. Walker
~~ODELLA LAMPKIN, ESQUIRE~~ SUSAN C. WALKER
Assistant Attorney General

10/15/92
DATE

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

PATRICIA BONITATIBUS, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Patricia Bonitatibus, M.D., ("Dr. Bonitatibus") freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code §30-3-14(n).

FINDINGS OF FACT

1. Dr. Bonitatibus currently holds a license to practice medicine in the State of West Virginia, License No. 15285, issued originally in September, 1987, and the address of record with the Board of Dr. Bonitatibus is in Wheeling, West Virginia.

2. In May, 1994, Dr. Bonitatibus violated the terms of an Agreement into which she had entered with the Board in June, 1991, pursuant to the provisions of West Virginia Code §30-3-9(h), and she reported this to the Board.

3. Subsequent to her violation of the Agreement entered into with the Board, Dr. Bonitatibus has received care and treatment on an in-patient basis for chemical dependency, and has appeared for a full discussion of the matter before the Complaint

Committee of the Board and has advised the Complaint Committee of her continuing desire and commitment to her recovery.

4. Continuing to practice medicine without appropriate conditions and limitations upon the medical license of Dr. Bonitatibus could adversely affect the health and welfare of a patient.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to West Virginia Code §30-3-1 to protect the public interest.

2. Probable cause exists to substantiate charges of disqualification from the practice of medicine pursuant to West Virginia Code §30-3-14(c)(21).

3. Pursuant to West Virginia Code §30-3-14(n), it is lawful, appropriate, and in the public interest to permit Dr. Bonitatibus to continue to practice medicine in the State of West Virginia, provided that certain limitations, conditions and restrictions are placed on such license and subject to the full compliance of Dr. Bonitatibus with all limitations, conditions and restrictions specified herein.

CONSENT

Patricia Bonitatibus, M.D., by affixing her signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order to the following:

1. Dr. Bonitatibus acknowledges that she is fully aware that, without her consent, here given, no permanent legal action may be taken against her except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, et seq.;

2. Dr. Bonitatibus acknowledges that she has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at her own expense, and the right to cross-examine witnesses against her;

3. Dr. Bonitatibus waives all rights to such a hearing;

4. Dr. Bonitatibus consents to the entry of this Order relative to her practice of medicine in the State of West Virginia; and,

5. Dr. Bonitatibus understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law and on the basis of the consent of Dr. Bonitatibus, the West Virginia Board of Medicine hereby orders that effective August 1, 1994, the license to practice medicine and surgery in the State of West Virginia of Dr. Bonitatibus, License No. 15285, is placed in a probationary status for a two (2) year period, subject to compliance by Dr. Bonitatibus with all of the following conditions and limitations:

1. Dr. Bonitatibus shall refrain from the use of any controlled substances except for those specifically prescribed to her by another duly licensed physician.

2. The practice of medicine and surgery of Dr. Bonitatibus shall occur only with the supervision of another duly licensed physician approved by the Board, which supervising physician shall be a physician experienced in recovery medicine or addictionology with whom Dr. Bonitatibus shall meet once every thirty (30) days and which approved supervising physician shall file written reports with the Board concerning the performance of Dr. Bonitatibus as a physician every sixty (60) days beginning October 1, 1994, except should the performance of Dr. Bonitatibus at any time fall below the level of reasonable skill and safety the approved supervising physician shall immediately notify the Board.

3. Dr. Bonitatibus shall attend meetings of Alcoholics Anonymous or Narcotics Anonymous on a regular basis and shall attend a minimum of three hundred (300) meetings on an annual basis (five [5] to six [6] meetings each week), and Dr. Bonitatibus shall keep a log of her attendance at such meetings for the two (2) years that this Consent Order is in effect, which log shall be reviewed periodically by her supervising physician and may be reviewed at the pleasure of the Board.

4. Dr. Bonitatibus shall seek and maintain a sponsor in Alcoholics Anonymous or Narcotics Anonymous who will be permitted to review her log and who will meet with Dr. Bonitatibus regularly and at least once every thirty (30) days and said sponsor shall file written reports with the Board every sixty (60) days, beginning October 1, 1994, confirming the required attendance of Dr. Bonitatibus at Alcoholics Anonymous or Narcotics Anonymous meetings and with the sponsor.

5. Dr. Bonitatibus shall, at her own expense, submit to unlimited, random and unannounced testing of bodily fluids upon demand of the Board at any time, and shall, at her own expense, submit to testing of bodily fluids each day that she reports to the Department of Anesthesiology at the Ohio Valley Medical Center to engage in the care and treatment of patients in any way, and the approved supervising physician shall be responsible for the

forwarding and submission of one of such tests each week to the Board.

6. If Dr. Bonitatibus at any time returns to medical leave status at Ohio Valley Medical Center, the Chairman of the Department of Anesthesiology agrees to report the same to the Board in writing, within five (5) days of such return to medical leave status, with the reasons therefor.

7. Within five (5) days of entry of this Consent Order, Dr. Bonitatibus shall present a copy of this Order to any employer or health care or medical facility where Dr. Bonitatibus is practicing medicine, including Ohio Valley Medical Center and the Department of Anesthesiology of said Medical Center, and during the two (2) years that this Order is in effect, Dr. Bonitatibus shall present a copy of this Order to any employer or health care or medical facility where she practices medicine or seeks to practice medicine, and within five (5) days of entry of this Consent Order, Dr. Bonitatibus shall also present a copy of this Order to her approved supervising physician, her Alcoholics Anonymous or Narcotics Anonymous Sponsor, and the Chairman of the Department of Anesthesiology at Ohio Valley Medical Center, in order that they each fully understand their responsibilities as outlined herein.

8. The Board approved supervising physician and the Alcoholics Anonymous or Narcotics Anonymous sponsor and the

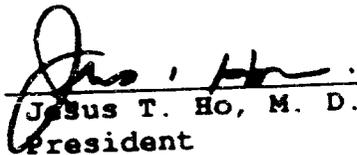
Chairman of the Department of Anesthesiology at Ohio Valley Medical Center shall confirm in writing no later than August 10, 1994, that they have each received a copy of this Consent Order and fully understand their responsibilities as outlined herein.

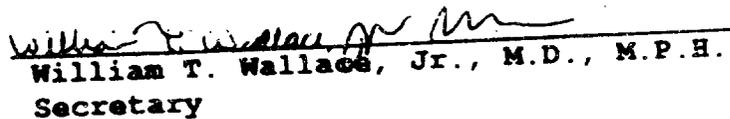
9. At the option of either of the parties, at the end of the two (2) year period of probation, this or a similar Consent Order or a modified version thereof, may again be entered into by the parties.

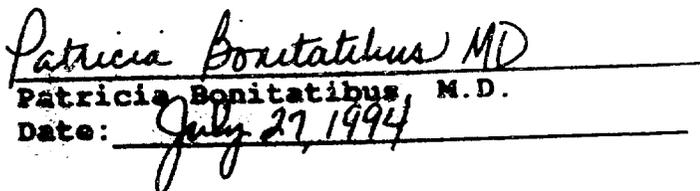
The failure of Dr. Bonitatibus to comply with any of the terms of this Consent Order, as determined by the Board, shall constitute grounds for the revocation of her medical license in West Virginia.

Entered this 28th day of ~~August~~^{July}, 1994.

WEST VIRGINIA BOARD OF MEDICINE


Jesus T. Ho, M. D.
President


William T. Wallace, Jr., M.D., M.P.H.
Secretary


Patricia Bonitatibus, M.D.
Date: July 27, 1994

STATE OF West Virginia

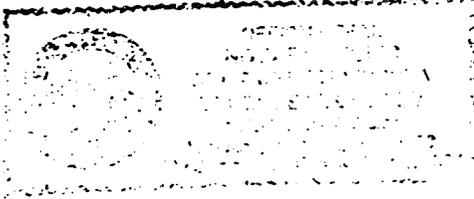
COUNTY OF OHIO, to-wit:

I, TERENCE M. GURLEY, a Notary Public for

said county and state do hereby certify that Patricia Bonitatibus, M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 27th day of July, 1994.

My Commission expires June 3, 1997.



Terence M Gurley
NOTARY PUBLIC