

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

**OHIO STATE MEDICAL BOARD
AUG 07 2002**

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

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

BASIS FOR ACTION

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

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation of Section 4731.22(B)(26), “[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,” or Section 4731.22(B)(5) (as in effect prior to March 9, 1999), “publishing a false, fraudulent, deceptive, or misleading statement.” The Board is further empowered by Section 4731.22(A), Ohio Revised Code, to revoke a certificate for “fraud, misrepresentation, or deception in applying for or securing any,” license or certificate issued by the Board.
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Sections 4731.22(B)(26), 4731.22(B)(5) and 4731.22(A), Ohio Revised Code, as set forth in Paragraphs E and F of the February 13, 2002 Step I Consent Agreement between Victor Bykov, M.D., and the State Medical Board of Ohio, a copy of which is attached hereto and fully 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.
- C. Dr. Bykov is applying for reinstatement of his license to practice medicine and surgery in the State of Ohio, License #35-068421, which was suspended pursuant to the terms of the above-referenced February 2002 Step I Consent Agreement.

- D. Dr. Bykov states that he is not licensed to practice medicine in any other State and that his license to practice medicine in the State of South Dakota recently expired after he decided not to renew it as he had no plans to return to South Dakota to practice medicine.
- E. Dr. Bykov states, and the Board acknowledges receipt of documents certifying, that Dr. Bykov satisfactorily completed the Addictive Disorders Services Substance Abuse Residential Treatment Program through the Black Hills Health Care System, Department of Veterans Affairs, on April 5, 2001, and June 25, 2001. Dr. Bykov further states, and the Board acknowledges receipt of documents stating, that Dr. Bykov successfully completed an intensive outpatient treatment program at Rosary Hall on November 29, 2001, as recommended by Christopher Adelman, M.D., Medical Director of St. Vincent Charity Hospital Rosary Hall, a Board-approved treatment provider.
- F. Dr. Bykov further states, and the Board acknowledges receipt of documents indicating, that Dr. Bykov entered into an aftercare agreement with St. Vincent Charity Hospital Rosary Hall and Cynthia Downing, Ph.D., Dr. Bykov's aftercare counselor, and that he has remained compliant with the aftercare agreement. Dr. Bykov further states, and the Board acknowledges receipt of documentation indicating, that Dr. Bykov entered into an advocacy contract with the Ohio Physicians Effectiveness Program (OPEP) on August 21, 2001, and that Dr. Bykov has remained compliant with the advocacy contract. Dr. Bykov further states that such aftercare agreement and advocacy contract remain in effect to date.
- G. Dr. Bykov further states, and the Board acknowledges, that the Board has received written reports from Chris L. Adelman, M.D., of St. Vincent Charity Hospital Rosary Hall, a Board-approved treatment provider, and from Robert A. Liebelt, Ph.D., M.D., of Ignatia Hall, a Board-approved treatment provider. With the understanding that Dr. Bykov would be subject to certain treatment and monitoring requirements, Doctors Adelman and Liebelt indicated in their reports that Dr. Bykov's ability to practice has been assessed and that he has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care.
- H. Dr. Bykov further states, and the Board acknowledges receipt of documentation indicating, that Dr. Bykov successfully completed a five hour course, approved by the Board, dealing with professional ethics.
- I. Dr. Bykov further states, and the Board acknowledges, that Dr. Bykov has fulfilled the conditions for reinstatement of his certificate to practice medicine and surgery in the State of Ohio, as established in the above-referenced February 2002 Step I Consent Agreement.

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

1. Dr. Bykov shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Bykov shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the date his quarterly declaration would have been due pursuant to his February 2002 Step I Consent Agreement with the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Bykov shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place on the date his appearance would have been scheduled pursuant to his February 2002 Step I Consent Agreement with the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. In the event that Dr. Bykov should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Bykov 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 this 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 Dr. Bykov is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. Dr. Bykov shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, thirty days prior to Dr. Bykov's

personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Bykov shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.

7. Dr. Bykov shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Bykov to administer or personally furnish controlled substances, Dr. Bykov shall keep a log of all controlled substances prescribed, administered or personally furnished. Such log shall be submitted in the format approved by the Board thirty days prior to Dr. Bykov's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Bykov shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board upon request.

Sobriety

8. Dr. Bykov 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 Dr. Bykov's history of chemical dependency.
9. Dr. Bykov shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Supervising Physician

10. Dr. Bykov shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Bykov 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 days of the effective date of this Consent Agreement, Dr. Bykov shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Dr. Bykov 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 Dr. Bykov. Dr. Bykov and the supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Bykov shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, 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 to continue in his or her responsibilities.

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In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Bykov must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Bykov shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her 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 Dr. Bykov's quarterly declaration. It is Dr. Bykov's responsibility to ensure that reports are timely submitted.

11. The Board retains the right to require, and Dr. Bykov agrees to submit, blood or urine specimens for analysis at Dr. Bykov's expense upon the Board's request and without prior notice. Dr. Bykov'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

12. Before engaging in any medical practice, Dr. Bykov shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Bykov and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Bykov and his medical practice, and shall review Dr. Bykov's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Bykov and his medical practice, and on the review of Dr. Bykov's patient charts. Dr. Bykov shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Bykov's quarterly declaration.

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

Board. Furthermore, Dr. Bykov shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

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Rehabilitation Program

13. Within thirty days of the effective date of this Consent Agreement, Dr. Bykov shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval. Dr. Bykov shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Bykov's quarterly declarations.

Aftercare

14. Dr. Bykov shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider and with the advocacy contract entered into with the Ohio Physicians Effectiveness Program, provided that, where terms of the aftercare or advocacy contracts conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.
15. Dr. Bykov shall continue to participate in an aftercare meeting with Cynthia Downing, Ph.D., of Earthrise Recovery Services, Inc., no less than one time per week. In the event that Dr. Bykov's designated aftercare meeting is not held in a given week, Dr. Bykov shall participate in an additional meeting of an alcohol and drug rehabilitation program approved by the Board, as referenced in paragraph 13. Dr. Bykov shall submit acceptable documentary evidence of continuing compliance with this provision, which must be received in the Board's offices no later than the due date for Dr. Bykov's quarterly declarations.

Releases

16. Dr. Bykov 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

17. Within thirty days of the effective date of this Consent Agreement, Dr. Bykov 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, Dr. Bykov 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.

18. Within thirty days of the effective date of this Consent Agreement, Dr. Bykov 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. Dr. Bykov 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 for reinstatement of any professional license. Further, Dr. Bykov shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Bykov appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Bykov has violated any term, condition or limitation of this Consent Agreement, Dr. Bykov agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

Dr. Bykov shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Bykov shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Bykov 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.

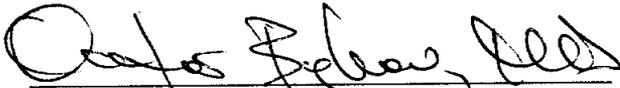
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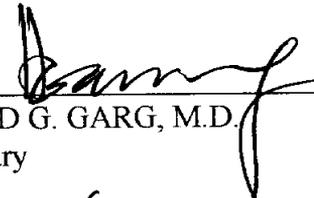
Dr. Bykov hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Bykov agrees to provide his social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

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.

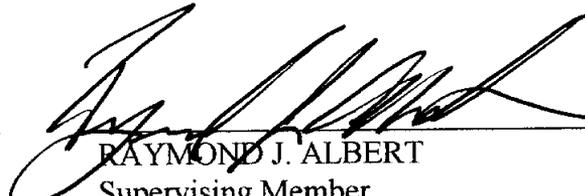

VICTOR BYKOV, M.D.


ANAND G. GARG, M.D.
Secretary

August 5, 2002
DATE

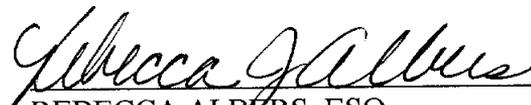
8/14/02
DATE


ROBERT B. TRATTNER, ESQ.
Attorney for Dr. Bykov


RAYMOND J. ALBERT
Supervising Member

August 6, 2002
DATE

8/14/02
DATE


REBECCA ALBERS, ESQ.
Assistant Attorney General

8/14/02
DATE

STEP I
CONSENT AGREEMENT
BETWEEN
VICTOR BYKOV, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO

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

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

BASIS FOR ACTION

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

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation of Section 4731.22(B)(26), “[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,” or Section 4731.22(B)(5)(as in effect prior to March 9, 1999), “publishing a false, fraudulent, deceptive, or misleading statement.” The Board is further empowered by Section 4731.22(A), Ohio Revised Code, to revoke a certificate for “fraud, misrepresentation, or deception in applying for or securing any,” license or certificate issued by the Board.
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Sections 4731.22(B)(26), 4731.22(B)(5) and 4731.22(A), Ohio Revised Code, as set forth in Paragraphs E and F below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. Dr. Bykov is licensed to practice medicine and surgery in the State of Ohio, License #35-068421.
- D. Dr. Bykov states that he is also licensed to practice medicine and surgery in the State of South Dakota.

- E. Dr. Bykov admits that, while practicing as a radiologist in the United States Air Force in South Dakota, he was diagnosed with alcohol abuse and dependence and anxiety disorder, not otherwise specified, in or about March 2001. Dr. Bykov states that he received inpatient treatment including detoxification and Substance Abuse and Rehabilitation Treatment (“SART”) at the VA Black Hills Health Care System in South Dakota, from March 1, 2001, to April 5, 2001.

Dr. Bykov further admits that on May 21, 2001, he relapsed and was in an automobile accident, that his blood alcohol level was 0.536, and that, as a result, he was charged with Driving Under the Influence (“DUI”). Dr. Bykov states that he again received inpatient treatment including detoxification and SART at the VA Black Hills Health Care System, from May 23, 2001, to June 25, 2001.

Dr. Bykov further admits that he relapsed on or about June 28, 2001, when he failed to make a scheduled court appearance regarding his DUI charge and was found by police in his room at Ellsworth Air Force Base with alcohol. Dr. Bykov states that he was admitted for observation at the VA Black Hills Health Care System from June 28, 2001, to July 2, 2001.

Dr. Bykov further admits that upon discharge from the VA Black Hills Health Care System on July 2, 2001, his clinical privileges were suspended based upon his chemical dependency, and that Dr. Bykov’s treating physician recommended that he attend an impaired health professional program as soon as possible. Dr. Bykov further admits that on July 9, 2001, in the Seventh Judicial Circuit Court in Pennington County, South Dakota, he pled guilty to and was convicted of DUI, based on the May 2001 auto accident.

Dr. Bykov states and the Board acknowledges that Dr. Bykov returned to Ohio in July 2001 and signed an Advocacy Contract with the Ohio Physicians Effectiveness Program on August 21, 2001; and that the Board received documentation from St. Vincent Charity Hospital Rosary Hall, a Board-approved treatment provider, indicating that Dr. Bykov was assessed on August 21, 2001, and diagnosed with alcohol dependence. Dr. Bykov further states that, as recommended by Christopher Adelman, M.D., Medical Director of Rosary Hall, Dr. Bykov participated in intensive outpatient treatment at Rosary Hall, for his chemical dependency, from October 8, 2001, to November 29, 2001, and that he has begun attending AA and Caduceus meetings. Dr. Bykov further states that he is currently under an aftercare contract with Rosary Hall including meetings with his Aftercare Counselor, Cynthia Downing, Ph.D.

- F. Dr. Bykov further admits that in completing his Application For Examination for a certificate to practice medicine and surgery in Ohio in September 1994, he answered “No” to question seventeen, which asked “[h]ave you ever been convicted or found

guilty of a violation of federal law, state law, or municipal ordinance other than a minor traffic violation?" Dr. Bykov further admits that he filed an Application For Certificate Issuance Following Examination with the Board in April 1995; and that, as part of both of these applications, he signed Affidavit and Release forms in which he agreed to immediately notify the Board in writing of any changes to his answers to any of the questions therein. Dr. Bykov further admits that on November 21, 1994, in the Lyndhurst, Ohio, Municipal Court, he pled no contest to and was convicted of DUI, and that he failed to notify the Board of this conviction prior to taking the examination in December 1994 and prior to being issued a certificate to practice medicine in the State of Ohio in May 1995.

Dr. Bykov further admits that in completing his application card for reinstatement of his certificate to practice medicine and surgery, signed on July 26, 2000, he answered "No" to Question one, which asks "[a]t any time since signing your last application for renewal of your certificate have you . . . [b]een found guilty of, or pled guilty or no contest to a felony or misdemeanor[?]" Dr. Bykov further admits that he signed such application card certifying that the information provided on the application for renewal was true and correct in every respect. Dr. Bykov further admits that on March 30, 1998, since signing his last application for renewal, in the Erie County, Ohio, Court, he pled no contest to and was convicted of DUI.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Dr. Bykov knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Bykov to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than 180 days.

Sobriety

2. Dr. Bykov 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 Dr. Bykov's history of chemical dependency.
3. Dr. Bykov shall abstain completely from the use of alcohol.

Releases; Quarterly Declarations and Appearances

4. Dr. Bykov shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any

and all parties that provide treatment or evaluation for Dr. Bykov's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Bykov 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. Dr. Bykov shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective, 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. Dr. Bykov shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

Drug & Alcohol Screens; Supervising Physician

7. Dr. Bykov shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Bykov 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 days of the effective date of this Consent Agreement, Dr. Bykov shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Bykov 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 Dr. Bykov. Dr. Bykov and the supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and

shall immediately inform the Board of any positive screening results.

Dr. Bykov shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, 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 or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Bykov must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Bykov shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her 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 Dr. Bykov's quarterly declaration. It is Dr. Bykov's responsibility to ensure that reports are timely submitted.

Rehabilitation Program

8. Within thirty days of the effective date of this Consent Agreement, Dr. Bykov shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Bykov shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Bykov's quarterly declarations.

CONDITIONS FOR REINSTATEMENT

9. The Board shall not consider reinstatement of Dr. Bykov's certificate to practice medicine and surgery until all of the following conditions are met:
 - a. Dr. Bykov shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Bykov shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:

- i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Bykov has successfully completed any required inpatient treatment.
 - ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
 - iii. Evidence of continuing full compliance with this Consent Agreement.
 - iv. Two written reports indicating that Dr. Bykov's ability to practice has been assessed and that he has been found 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. Dr. Bykov shall provide documentation acceptable to the Board of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the biennial registration period(s) in which they are completed;
- d. Dr. Bykov shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Bykov are unable to agree on the terms of a written Consent Agreement, then Dr. Bykov 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 Dr. Bykov'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. Moreover, upon termination of the consent agreement or Board Order, Dr. Bykov shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Bykov has maintained sobriety.

10. In the event that Dr. Bykov has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Bykov's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

11. Within thirty days of the effective date of this Consent Agreement, Dr. Bykov 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. Dr. Bykov 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, Dr. Bykov shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
12. Within thirty days of the effective date of this Consent Agreement, Dr. Bykov 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, Dr. Bykov 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, Dr. Bykov appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

ACKNOWLEDGMENTS/LIABILITY RELEASE

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

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

Dr. Bykov hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Bykov agrees to provide his social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

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.



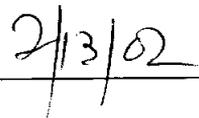
VICTOR BYKOV, M.D.



ANAND G. GARG, M.D.
Secretary



DATE



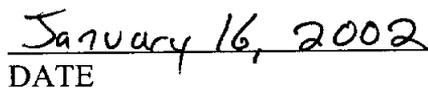
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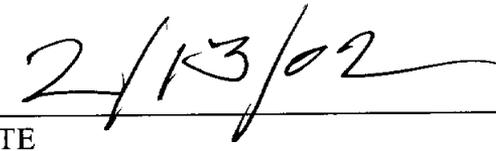
ROBERT B. TRATTNER, ESQ.
Attorney for Dr. Bykov



RAYMOND J. ALBERT
Supervising Member



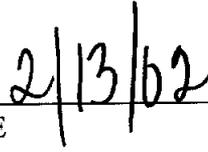
DATE



DATE



REBECCA ALBERS, ESQ.
Assistant Attorney General



DATE