



State Medical Board of Ohio

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

May 10, 2006

Katherine Alicia Humes, M.D.
Box 219
Somerset, OH 43783

Dear Doctor Humes:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on May 10, 2006.

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

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

Very truly yours,

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 7003 0500 0002 4329 9705
RETURN RECEIPT REQUESTED

Mailed 5-11-06

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on May 10, 2006, constitutes a true and complete copy of the Findings, Order and Journal Entry in the matter of Katherine Alicia Humes, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.



Lance A. Talmage, M.D.
Secretary

(SEAL)

May 10, 2006

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
:
KATHERINE ALICIA HUMES, M.D. :

FINDINGS, ORDER AND JOURNAL ENTRY

This matter came on for consideration before the State Medical Board of Ohio on May 10, 2006, pursuant to a Notice of Opportunity for Hearing issued to Katherine Alicia Humes, M.D., on December 14, 2005. No request for hearing having been received within the statutorily mandated time period, Hearing Examiner Patricia A. Davidson, Esq., on behalf of the Board, reviewed and summarized evidence supporting the Notice, and prepared Proposed Findings and a Proposed Order.

WHEREFORE, having reviewed Ms. Davidson's Proposed Findings and Proposed Order, which is attached hereto and incorporated herein, the Board hereby finds that there is reliable, probative and substantial evidence to support the allegations as set forth in the December 14, 2005, Notice of Opportunity for Hearing.

Accordingly, it is hereby ORDERED that:

The certificate of Katherine Alicia Humes, M.D., to practice medicine and surgery in the State of Ohio shall be REVOKED.

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



Lance A. Talmage, M.D.
Secretary

(SEAL)

May 10, 2006
Date

**PROPOSED FINDINGS AND PROPOSED ORDER
IN THE MATTER OF KATHERINE ALICIA HUMES, M.D.**

2006 APR 24 P 2:44

The Matter of Katherine Alicia Humes, M.D., was reviewed by Patricia A. Davidson, Hearing Examiner for the State Medical Board of Ohio.

INTRODUCTION

Basis for the Review

- A. By letter dated December 14, 2005, the State Medical Board of Ohio [Board] notified Katherine Alicia Humes, M.D., that it had proposed to take disciplinary action against her certificate to practice medicine and surgery in Ohio. The Board's proposed action was based on allegations that, among other things, Dr. Humes had violated her Step I Consent Agreement by consuming alcohol. (Exhibit 2f)

The Board alleged that Dr. Humes' conduct constitutes a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,' as that clause is used in Section 4731.22(B)(15), Ohio Revised Code." Further, the Board alleged that Dr. Humes' conduct constitutes "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,' as that clause is used in Section 4731.22(B)(26), Ohio Revised Code." (Exhibit 2f)

Accordingly, the Board notified Dr. Humes that she was entitled to a hearing if she requested one in writing within thirty days of the notice's mailing. (Exhibit 2f)

- B. The notice of opportunity for hearing was mailed to Dr. Humes via certified mail on December 15, 2005, return receipt requested, to her most recent address of record. A signed receipt shows delivery to Dr. Humes on December 21, 2005. (Exhibits 2f, 7-8)
- C. As of on March 10, 2006, the Board had not received a request for hearing from Dr. Humes. (Exhibits 1, 7)

EVIDENCE EXAMINED

- A. Exhibit 1: Procedural memoranda
- B. Exhibit 2: Certified copies of documents maintained by the Board in the Matter of Katherine Alicia Humes:

Exhibit 2a: May 1995 Consent Agreement

Exhibit 2b: June 1997 Notice of Opportunity for Hearing

Exhibit 2c: November 1997 Report and Recommendation

- Exhibit 2d: December 1997 Entry of Order and accompanying documents
- Exhibit 2e: September 2004 Step I Consent Agreement
- Exhibit 2f: December 2005 Notice of Opportunity for Hearing and certified mail receipts
- C. Exhibit 3: Affidavit of Lori S. Gilbert, Assistant Executive Director
- D. Exhibit 4: Affidavit of Janie E. Sussex, Enforcement Investigator
- E. Exhibit 5: Affidavit of Danielle C. Bickers, Compliance Officer, with toxicology reports
- F. Exhibit 6: Affidavit of Kathleen S. Peterson, Enforcement Attorney
- G. Exhibit 7: Affidavit of Barbara A. Jacobs, Public Services Administrator
- H. Exhibit 8: Affidavit of Debra L. Jones, Continuing Medical Education and Renewal Officer

SUMMARY OF THE EVIDENCE

All exhibits, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Proposed Findings and Proposed Order.

1997 Suspension

1. In an Order effective on or about December 5, 1997, Katherine Alicia Humes' certificate to practice medicine and surgery in Ohio was suspended by the Board for an indefinite period of time because she had violated the consent agreement under which the Board had granted her certificate. (Exhibit [Ex.] 2d) In reaching its decision, the Board approved the following findings and conclusions:

FINDINGS OF FACT

1. Katherine Alicia Humes, M.D., applied for a certificate to practice medicine and surgery in Ohio in 1995. Dr. Humes disclosed to the Board that she had had a history of mental health problems and had been diagnosed with major depression and mixed personality disorder.
2. Dr. Humes entered into a Consent Agreement with the Board. The term of the Consent Agreement was from May 11, 1995, through May 11, 1997. In the Consent Agreement, Dr. Humes agreed to abstain completely from the use of alcohol. She further agreed to continue psychiatric treatment with Karipineni Prasad, M.D., and to maintain recommended pharmacological therapy.
3. Dr. Humes began feeling depressed in early May 1997. On the morning of May 6, she developed a plan to commit suicide by taking an overdose of medication. Accordingly, she did not take her medications that morning, but

saved them to use later in combination with alcohol. Accordingly, Dr. Humes violated the terms of the Consent Agreement by which she agreed to maintain pharmacological therapy.

4. On May 6, 1997, Dr. Humes was involved in a single car automobile accident on Interstate 80 in Liberty Township, Ohio. She admitted that she was under the influence of alcohol. A BAC test revealed her blood alcohol level to be 0.279. The officers charged Dr. Humes with (a) driving under the influence, a violation of Section 4511.19(A)(1) and/or (A)(3), Ohio Revised Code, and (b) failure to control her vehicle, a violation of 4511.202, Ohio Revised Code. Accordingly, Dr. Humes violated the terms of the Consent Agreement by which she agreed to abstain from the use of alcohol.

CONCLUSIONS OF LAW

1. The Findings of Fact support a conclusion that the conduct of Katherine Alicia Humes, M.D., constitutes a “(v)iolation of the conditions of limitation placed by the board upon a certificate to practice,” as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.
2. The Findings of Fact support a conclusion that the conduct of Katherine Alicia Humes, M.D., constitutes the “(i)nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness,” as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

(Exs. 2c-2d) In its 1997 Order, the Board imposed a variety of terms and conditions, including requirements for reinstatement and probation. (Ex. 2d)

2. Pursuant to the Order’s terms, Dr. Humes’ certificate was reinstated in January 1998, subject to probation for five years. In January 2003, Dr. Humes completed her probation. (Ex. 2e at 2)

Diagnosis of and Treatment for Alcohol Dependence

3. In December 2003, Dr. Humes was diagnosed with alcohol dependence. Although she had previously been diagnosed with alcohol “abuse” during episodes of depression, she had not been diagnosed previously with alcohol dependence. (Ex. 2e at 2)
4. In December 2003, Dr. Humes entered inpatient treatment for alcohol dependence at Comprehensive Addiction Service Systems in Toledo, Ohio, where she completed a 28-day inpatient program in January 2004. This was her first inpatient treatment for alcohol dependence. Following that treatment, Dr. Humes began participation in the Intensive Outpatient Program for alcohol dependence at the Woods at Parkside [Parkside] in February 2004. In April 2004, Dr. Humes entered into an aftercare contract with Parkside, and she also entered an advocacy contract with the Ohio Physicians Effectiveness Program [now known as the Ohio Physicians Health Program, OPHP] in May 2004. Both of these contracts required her to abstain completely from the use of alcohol and to participate in random weekly urine screens to ensure compliance. (Ex. 2e at 2)

August 2004 Relapse and Step I Consent Agreement

5. Dr. Humes has admitted that she knowingly consumed alcohol on or about August 9, 2004. She has also admitted that, on or about August 10, 2004, she provided a urine specimen that tested positive for alcohol. (Ex. 2e at 2)
6. On or about August 24, 2004, Dr. Humes entered Parkside for inpatient treatment of alcohol dependence. This was her second inpatient treatment for alcohol dependence. (Exs. 2e at 2; 7)
7. On or about September 21, 2004, Dr. Humes completed inpatient treatment at Parkside and entered Parkside's Intensive Outpatient Program. (Exs. 2e at 2; 7)
8. On or about September 9, 2004, Dr. Humes entered into a Step I Consent Agreement with the Board in lieu of formal proceedings based on her violation of R.C. 4731.22(B)(26). In this Step I Agreement, Dr. Humes agreed to an indefinite suspension of her certificate for not less than 120 days. In Paragraph 3 of the agreement, Dr. Humes agreed to abstain completely from the use of alcohol. (Ex. 2e at 2-3)

September 2004 Relapse

9. In affidavit testimony, Lori S. Gilbert, Assistant Executive Director of the Board, stated that she received a telephone call on November 2, 2004, "from Dr. Edna Jones, Medical Director of the Woods at Parkside, reporting that Dr. Katherine A. Humes had consumed alcohol after she had been released from residential treatment." (Ex. 3)
10. In affidavit testimony, Janie E. Sussex, a Board Investigator, stated that she met with Dr. Humes on November 16, 2004, to address Dr. Humes' recent use of alcohol. Dr. Humes admitted to Ms. Sussex that she had deliberately consumed a pint of vodka on September 27, 2004. Dr. Humes reported Ms. Sussex that she had purchased the alcohol on a weekend but did not consume it until Monday when her husband was at work. (Ex. 4)

Dr. Humes subsequently sent a letter to Ms. Sussex to correct her statement regarding the amount of alcohol she had consumed on September 27, 2004. Dr. Humes explained that she had actually drunk one half of a fifth. (Ex. 4)

October 2005 Urine Screen

11. On October 22, 2005, Dr. Humes provided a urine specimen that tested positive for the presence of the metabolite of ethanol, according to the affidavit testimony of Danielle C. Bickers, Board Compliance Officer. A toxicology report on October 28, 2005, did not show alcohol but showed low levels of creatinine and specific gravity, and a notation stated that certain levels indicate "possible adulteration." (Ex. 5)
12. Accordingly, the specimen was tested further, and a toxicology report dated November 14, 2005, showed the presence of ethyl glucuronide, a metabolite of alcohol, in the urine specimen

that Dr. Humes had provided on October 22, 2005. The Board received a copy of this report on November 15, 2005. (Ex. 5)

13. On November 15, 2005, Dr. Humes telephoned Kathleen S. Peterson, a Board Enforcement Attorney, according to Ms. Peterson's affidavit. Ms. Peterson stated that, in their conversation, Dr. Humes had advised that she had learned of the test results. Dr. Humes had "denied intentionally drinking alcohol, but stated that she believed that her husband had put alcohol in a bottle of lemonade in their refrigerator." (Ex. 6)

Request for Reinstatement

14. Barbara A. Jacobs, Public Services Administrator for the Board, stated in an affidavit that, on or about March 1, 2005, Dr. Humes had submitted a request for reinstatement of her certificate to practice medicine and surgery. Ms. Jacobs explained that she had received a report from Parkside on March 3, 2005, and had sent a letter to Dr. Humes on March 4, 2005, advising her of the documents that were still needed to complete her request for reinstatement. (Ex. 7)
15. On November 7, 2005, the Board received a report evaluating Dr. Humes' ability to practice according to acceptable and prevailing standards of care. Ms. Jacobs stated in her affidavit that this document was the last item required to complete Dr. Humes' application for reinstatement of her certificate. (Ex. 7)

Notice of Opportunity for Hearing

16. On December 15, 2005, the Board mailed its Notice of Opportunity for Hearing to Dr. Humes current address of record, by certified mail. A signed certified mail receipt shows that Dr. Humes received the Notice on December 21, 2005. (Exs. 2f, 7-8)
17. As of on March 10, 2006, the Board had not received a request for hearing from Dr. Humes, according to the affidavit testimony of Barbara A. Jacobs. (Ex. 7)

PROPOSED FINDINGS

1. In 1995, Katherine Alicia Humes, M.D., applied for a certificate to practice medicine and surgery in Ohio. The Board granted Dr. Humes a certificate pursuant to the requirements of a Consent Agreement entered on May 11, 1995, based on Dr. Humes' disclosure of a history of mental health problems, with a diagnosis of major depression and mixed personality disorder. The 1995 Consent Agreement required Dr. Humes to continue psychiatric treatment, maintain recommended pharmacological therapy, and abstain completely from the use of alcohol.
2. In an Order effective on or about December 5, 1997, the Board suspended Dr. Humes' certificate for an indefinite period of time due to violations of the 1995 Consent Agreement.

3. In January 1998, Dr. Humes' certificate was reinstated, subject to the probationary terms and conditions set forth in the 1997 Board Order. On or about January 8, 2003, Dr. Humes completed her probationary period.
4. In December 2003, Dr. Humes was diagnosed with alcohol dependence. Although she had been previously diagnosed with alcohol abuse during episodes of depression, she had not been diagnosed with alcohol dependence prior to December 2003.
5. Dr. Humes entered treatment for chemical dependence in December 2003 at Comprehensive Addiction Service Systems, a Board-approved treatment provider in Toledo, Ohio. In January 2004, Dr. Humes completed 28 days of inpatient treatment. In or about February 2004, Dr. Humes began participation in the Intensive Outpatient Program for alcohol dependence at the Woods at Parkside [Parkside], a Board-approved treatment provider in Columbus, Ohio.
6. On or about August 9, 2004, Dr. Humes intentionally consumed alcohol.
7. On or about August 24, 2004, Dr. Humes entered inpatient treatment at Parkside.
8. On or about September 9, 2004, Dr. Humes entered into a Step I Consent Agreement with the Board in lieu of formal proceedings based upon her violation of Ohio Revised Code [R.C.] 4731.22(B)(26). Pursuant to that agreement, Dr. Humes' certificate to practice medicine and surgery in Ohio was suspended for an indefinite period of time, but not less than 120 days. Paragraph 3 required Dr. Humes to abstain completely from the use of alcohol.
9. On or about September 21, 2004, Dr. Humes completed inpatient treatment at Parkside and transferred to the Intensive Outpatient Program.
10. Dr. Humes has admitted that she intentionally consumed alcohol on September 27, 2004.
11. On or about October 22, 2005, Dr. Humes provided a urine specimen that tested positive for the presence of the metabolite of ethanol in a toxicology report on November 14, 2005.
12. On or about March 1, 2005, Dr. Humes had submitted a request for reinstatement of her certificate to practice medicine and surgery in Ohio. However, her request for reinstatement was not complete at that time. Dr. Humes' request for reinstatement was complete on November 7, 2005, when the last required documentation and/or report was received by the Board.
13. Dr. Humes' conduct, as set forth above in Proposed Findings 8, 10, and 11, constitutes a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice," as that clause is used in R.C. 4731.22(B)(15).
14. Dr. Humes' conduct, as set forth above in Proposed Findings 4 through 11 constitutes "[i]mpairment of ability to practice according to acceptable and prevailing standards of care

because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,” as that clause is used in R.C. 4731.22(B)(26).

15. Dr. Humes admitted using alcohol on September 27, 2004, following the completion of her inpatient treatment, and following her agreement to the 2004 Step I Consent Agreement. In addition, the positive test result on Dr. Humes’ urine sample provided in October 2005 is sufficient evidence to support the conclusion that Dr. Humes used alcohol. Accordingly, Dr. Humes sustained a “relapse” as defined in Ohio Administrative Code 4731-16-01. Dr. Humes’ relapse following treatment constitutes independent proof of impairment and supports license suspension without the need of an examination, pursuant to Ohio Administrative Code 4731-16-02(B)(3)(a).

* * * * *

In the present matter, the Board has abundant evidence to support a suspension that is longer than the suspensions that the Board has previously imposed in its orders and agreements regarding Dr. Humes. However, a suspension that is governed by an array of conditions and restrictions is not advisable at this time for several reasons.

First, while the conditions and restrictions of a suspension are designed to protect the public, they are also designed to assist the impaired physician in recovery. Here, however, Dr. Humes has not requested a hearing before the Board. There is no evidence that she wants to continue practicing medicine and is willing to comply with the terms, conditions and restrictions that would be essential to a suspension order.

Second, Dr. Humes had a relapse or relapses in September 2004 and October 2005. There is no evidence in this matter that Dr. Humes has engaged in treatment since her October 2005 relapse or that she is willing to engage in treatment.¹ The lack of a hearing, at which Dr. Humes might have presented such evidence, hampers the Board’s consideration of appropriate terms for a suspension and conditions for potential reinstatement in the future. To impose terms and conditions of suspension without some indication that Dr. Humes is ready and willing to attempt compliance may easily lead to immediate violations. Therefore, the most appropriate remedy is a nonpermanent revocation.

¹Although the Board received a report on November 7, 2005, regarding Dr. Humes’ ability to practice medicine, that report is not among the materials provided for review. Moreover, that report was submitted prior to the toxicology report on November 14, 2005, that established alcohol use by Dr. Humes.

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Katherine Alicia Humes, M.D., to practice medicine and surgery in the State of Ohio shall be **REVOKED**.

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



P. A. Davidson
Hearing Examiner



State Medical Board of Ohio

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

December 14, 2005

Katherine Alicia Humes, M.D.
Box 219
Somerset, OH 43783

Dear Doctor Humes:

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

- (1) On or about September 9, 2004, you entered into a Step I Consent Agreement [2004 Consent Agreement] with the Board in lieu of formal proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code. As a result of the 2004 Consent Agreement, your certificate to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time, but not less than 120 days. A copy of the 2004 Consent Agreement is attached hereto and fully incorporated herein.

As summarized in the 2004 Consent Agreement, on or about May 11, 1995, you had previously entered into a Consent Agreement [1995 Consent Agreement] with the Board, granting you a certificate to practice medicine and surgery, that was based upon your disclosure of a history of mental health problems, with a diagnosis of major depression and mixed personality disorder, and that required you to continue psychiatric treatment, maintain recommended pharmacological therapy, and abstain completely from the use of alcohol. On or about December 3, 1997, the Board issued an order [1997 Board Order] which suspended your certificate to practice medicine and surgery for an indefinite period of time due to violations of the 1995 Consent Agreement. Your certificate was reinstated in January of 1998, subject to the probationary terms and conditions set forth in the 1997 Board Order, and you completed probation on or about January 8, 2003. Although you were previously diagnosed with alcohol abuse during episodes of depression, you were not diagnosed with alcohol dependence until December 2003.

Mailed 12-15-05

In the 2004 Consent Agreement, you admitted that you initially entered treatment for chemical dependence, in or about December 2003, at Comprehensive Addiction Service Systems [COMPASS], a Board-approved treatment provider in Toledo, Ohio. You further admitted that on or about January 5, 2004, you completed twenty-eight days of inpatient treatment at COMPASS, and that, in or about February of 2004, you began participation in the Intensive Outpatient Program for alcohol dependence at the Woods at Parkside [Parkside], a Board-approved treatment provider in Columbus, Ohio. You further admitted that, on or about August 9, 2004, you intentionally consumed alcohol, and that you then entered inpatient treatment at Parkside on or about August 24, 2004.

On or about September 21, 2004, you completed inpatient treatment and entered Parkside's Intensive Outpatient Program. On or about March 1, 2005, you submitted a request for reinstatement of your certificate to practice medicine and surgery. However, your request for reinstatement was not complete until November 7, 2005, when the last required documentation and/or report was received by the Board.

- (2) Paragraph 3 of the 2004 Consent Agreement requires you to abstain completely from the use of alcohol. Despite your agreement to abide by the specified probationary terms, conditions and limitations of your 2004 Consent Agreement, on or about September 27, 2004, you consumed alcohol. Further, a urine specimen that you provided on or about October 22, 2005, tested positive for the presence of the metabolite of ethanol.

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," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Further, 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.

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

Katherine Alicia Humes, M.D.

Page 3

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.

Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4333 4017
RETURN RECEIPT REQUESTED

Duplicate mailing:

3388 Township Rd 138
Somerset, OH 43783

CERTIFIED MAIL # 7003 0500 0002 4333 4000
RETURN RECEIPT REQUESTED

**STEP I
CONSENT AGREEMENT
BETWEEN
KATHERINE ALICIA HUMES, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Humes enters into this Consent 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.

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)(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 Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraph 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. Humes is licensed to practice medicine and surgery in the State of Ohio, License # 35-068502.
- D. Dr. Humes states that she is not licensed to practice medicine and surgery in any other state.
- E. On or about May 11, 1995, Dr. Humes entered into a Consent Agreement [1995 Consent Agreement] with the Board based upon her disclosure of a history of mental health problems, with a diagnosis of major depression and mixed personality disorder. Dr. Humes admits that the 1995 Consent Agreement granted her a certificate to

practice medicine and surgery in Ohio and placed said certificate on probation for two years. Dr. Humes states that the 1995 Consent Agreement included the following probationary terms and conditions: that she continue psychiatric treatment; that she maintain recommended pharmacological therapy; and that she abstain completely from the use of alcohol. Dr. Humes further states that, on or about December 3, 1997, the Board issued an order [1997 Board Order] suspending her certificate to practice medicine and surgery for an indefinite period of time due to her violations of Sections 4731.22(B)(15) and 4731.22(B)(19), Ohio Revised Code. Dr. Humes admits that her certificate to practice medicine and surgery in Ohio was reinstated in January of 1998 and subject to probationary terms and conditions, as set forth in the 1997 Board Order, for a period of five years. Further, Dr. Humes states that she successfully completed probation on or about January 8, 2003. Dr. Humes admits that, although she had been previously diagnosed with alcohol abuse during episodes of depression, she was not diagnosed with alcohol dependence until December 2003.

- F. Dr. Humes admits that, in or about December 2003, she entered treatment for alcohol dependence at Comprehensive Addiction Service Systems [COMPASS], a Board-approved treatment provider in Toledo, Ohio. Dr. Humes states that, on or about January 5, 2004, she completed twenty-eight days of inpatient treatment at COMPASS. Dr. Humes further admits that, in or about February of 2004, she began participation in the Intensive Outpatient Program for alcohol dependence at the Woods at Parkside [Parkside], a Board-approved treatment provider in Columbus, Ohio. Dr. Humes further states that she entered into an aftercare contract with Parkside, in or about April of 2004, and entered into an advocacy contract with the Ohio Physicians Effectiveness Program [OPEP], on or about May 4, 2004. Dr. Humes admits that, pursuant to the terms of her aftercare contract with Parkside and her advocacy contract with OPEP, she was to abstain completely from the use of alcohol and was required to participate in random weekly urine screenings to ensure compliance. Dr. Humes further admits that a urine specimen, provided on or about August 10, 2004, tested positive for the presence of alcohol. Dr. Humes admits that the positive urine specimen resulted from the knowing consumption of alcohol on or about August 9, 2004. Dr. Humes states that, on or about August 24, 2004, she entered Parkside for inpatient treatment of alcohol dependence.

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

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Humes to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time but not less than 120 days.

Sobriety

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

Releases; Quarterly Declarations and Appearances

4. Dr. Humes 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. Humes' 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. Humes further agrees to provide the Board written consent permitting any treatment provider from whom she obtains treatment to notify the Board in the event she 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. Humes 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 sixteenth 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. Humes 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. Humes shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Humes 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.

Dr. Humes shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Within thirty days of the effective date of this Consent Agreement, Dr. Humes shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Humes 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. Humes. Dr. Humes 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. Humes 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. Humes must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Humes 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. Humes' quarterly declaration. It is Dr. Humes' responsibility to ensure that reports are timely submitted.

8. The Board retains the right to require, and Dr. Humes agrees to submit, blood, saliva or urine specimens for analysis at Dr. Humes' expense upon the Board's request and without prior notice. Dr. Humes' refusal to submit a blood, saliva or urine specimen upon request of the Board shall result in a minimum of one year of actual license suspension.

Rehabilitation Program

9. Within thirty days of the effective date of this Consent Agreement, Dr. Humes 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. Humes 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. Humes' quarterly declarations.

CONDITIONS FOR REINSTATEMENT

10. The Board shall not consider reinstatement of Dr. Humes' certificate to practice medicine and surgery until all of the following conditions are met:
- a. Dr. Humes shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Humes shall demonstrate to the satisfaction of the Board that she can resume practice in compliance with acceptable and prevailing standards of care under the provisions of her 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. Humes has successfully completed at least twenty-eight days of in-patient or residential treatment for chemical dependence, as set forth in Rules 4731-16-02(B)(4)(a) and 4731-16-08(A)(13), Ohio Administrative Code.
 - 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. Three written reports indicating that Dr. Humes' ability to practice has been assessed and that she has been found capable of practicing according to acceptable and prevailing standards of care.

Two reports shall be made by physicians who are knowledgeable in the area of addictionology and who are either affiliated with a current Board-

approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Humes. Prior to the assessments, Dr. Humes shall provide the evaluators with copies of patient records from any evaluations and/or treatment that she has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Humes, and any conditions, restrictions, or limitations that should be imposed on Dr. Humes' practice. The reports shall also describe the basis for the evaluator's determinations.

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

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement.

- c. Dr. Humes shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Humes are unable to agree on the terms of a written consent agreement, then Dr. Humes 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. Humes' 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. Humes 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. Humes has maintained sobriety.

11. In the event that Dr. Humes 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. Humes' fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

12. Within thirty days of the effective date of this Consent Agreement, Dr. Humes 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 she currently holds any professional license. Dr. Humes 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 she applies for any professional license or reinstatement of any professional license. Further, Dr. Humes shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
13. Within thirty days of the effective date of this Consent Agreement, Dr. Humes shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Humes shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she 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. Humes 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. Humes acknowledges that she 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.

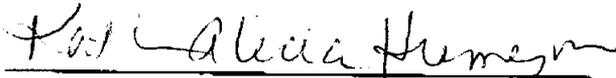
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

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

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Humes acknowledges that her social security number will be used if this information is so reported and agrees to provide her social security number to the Board for such purposes.

EFFECTIVE DATE

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


KATHERINE ALICIA HUMES, M.D.

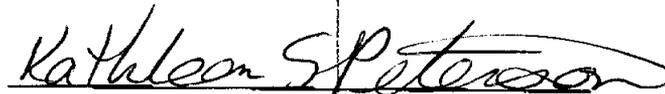

LANCE A. TALMAGE, M.D.
Secretary

9/8/04
DATE

9-8-04
DATE


RAYMOND J. ALBERT
Supervising Member

9/9/04
DATE


KATHLEEN S. PETERSON
Enforcement Attorney

September 8, 2004
DATE



STATE MEDICAL BOARD OF OHIO

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

December 3, 1997

Katherine A. Humes, M.D.
436 Courtland Lane
Pickerington, OH 43147

Dear Doctor Humes:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 3, 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

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 395 591 682
RETURN RECEIPT REQUESTED

cc: Russell E. Carnahan, Esq.
CERTIFIED MAIL RECEIPT NO. Z 395 591 683
RETURN RECEIPT REQUESTED

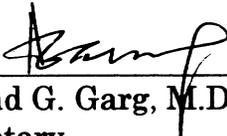
Mailed 12/5/97

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 3, 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 Katherine A. Humes, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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

(SEAL)



Anand G. Garg, M.D.
Secretary

12/03/97

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

KATHERINE A. HUMES, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on December 3, 1997.

Upon the Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

1. The certificate of Dr. Humes to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
2. The State Medical Board shall not consider reinstatement of Dr. Humes' certificate to practice unless all of the following minimum requirements have been met:
 - a. Dr. Humes shall submit an application for reinstatement, accompanied by appropriate fees.
 - b. Within sixty days of the effective date of this Order, or as otherwise approved by the Board, Dr. Humes shall commence

In the Matter of Katherine A. Humes, M.D.

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appropriate treatment, as determined by an informed assessment of her current needs. Such assessment and treatment shall be by a provider or providers approved in advance by the Board. Prior to the initial assessment, Dr. Humes shall furnish the approved provider copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, Conclusions, Order, and any other documentation from the hearing record which the Board may deem appropriate or helpful to that provider. Within ten days after the completion of the initial assessment, Dr. Humes shall cause a written report to be submitted to the Board from the approved provider, which report shall include:

- i. A detailed plan of recommended treatment based upon the provider's informed assessment of Dr. Humes' current needs; and
 - ii. Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.
- c. Dr. Humes shall provide documentation acceptable to the Board of continuing psychiatric counseling at intervals deemed appropriate by the treating psychiatrist approved by the Board.
 - d. Dr. Humes shall submit to the Board and receive its approval for a plan of practice in Ohio which, until otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Humes' activities will be directly supervised and overseen by a monitoring physician approved in advance by the Board. The monitoring physician shall monitor Dr. Humes, as set forth in paragraph 3(g), below. The monitoring physician shall provide the Board with reports on Dr. Humes' progress and status as directed by the Board.
 - e. Dr. Humes shall provide continuing authorization, through appropriate written consent forms, for disclosure by her treatment provider to the Board, to treating and monitoring physicians, and

In the Matter of Katherine A. Humes, M.D.
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to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.

- f. For the duration of the period of suspension:
 - i. Dr. Humes shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of reinstatement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following effective date of this Order, 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.
 - ii. Dr. Humes shall abstain completely from the use of alcohol.
 - iii. Continue psychiatric treatment as recommended pursuant to paragraphs 2(b) and 2(c), above.
 - f. In the event that Dr. Humes 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 her fitness to resume practice.
3. Upon reinstatement, Dr. Humes' certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
- a. Dr. Humes shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.

In the Matter of Katherine A. Humes, M.D.

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- b. Dr. Humes shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
- c. Dr. Humes shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which the probation 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.
- d. Dr. Humes shall appear in person for interviews before the full Board or its designated representative within three months of the reinstatement of her certificate and at three month intervals thereafter, 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. Although the Board will normally give her written notification of scheduled appearances, it is Dr. Humes' responsibility to know when personal appearances will occur. If she does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Dr. Humes shall immediately submit to the Board a written request to be notified of her next scheduled appearance.

- e. Dr. Humes shall abstain completely from the use of alcohol.
- f. Dr. Humes shall continue to receive psychiatric treatment, if recommended pursuant to paragraph 2(b), above, with a psychiatrist approved by the Board, at such intervals as are deemed appropriate by the treating psychiatrist, but not less than

once per month. The sessions shall be in person and may not be conducted by telephone or other electronic means.

Dr. Humes shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Dr. Humes shall ensure that psychiatric reports are forwarded by her treating psychiatrist to the Board on a quarterly basis, or as otherwise directed by the Board. It is Dr. Humes' responsibility to ensure that the quarterly reports are received in the Board's offices no later than the due date for Dr. Humes' quarterly declaration.

- g. As set forth in paragraph 2(d), above, Dr. Humes shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Humes' activities will be directly supervised and overseen by a monitoring physician approved by the Board. The monitoring physician shall monitor Dr. Humes and provide the Board with reports on Dr. Humes' progress and status on a quarterly basis. All monitoring physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Humes' quarterly declaration. It is Dr. Humes' responsibility to ensure that the reports are timely submitted.

In the event that the approved monitoring physician becomes unable or unwilling to serve, Dr. Humes shall immediately notify the Board in writing and shall make arrangements for another monitoring physician as soon as practicable. Dr. Humes shall refrain from practicing until such supervision is in place, unless otherwise determined by the Board. Dr. Humes 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 therefor.

In the Matter of Katherine A. Humes, M.D.

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- h. Dr. Humes shall obtain the Board's prior approval for any alteration to the practice plan which was approved by the Board prior to the reinstatement of her certificate.
 - i. Dr. Humes 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.
 - j. Within thirty days of the reinstatement of her certificate, Dr. Humes shall provide a copy of this Order 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 Dr. Humes has privileges or appointments. Further, Dr. Humes shall provide a copy of this Order 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 Dr. Humes applies for or obtains privileges or appointments.
 - k. In the event that Dr. Humes should leave Ohio for three consecutive months, or reside or practice outside the State, Dr. Humes 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 probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 - l. If Dr. Humes violates probation in any respect, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period.
4. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Humes' certificate will be fully restored.

In the Matter of Katherine A. Humes, M.D.

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This Order shall become effective thirty days from the date of mailing of notification of approval by the State Medical Board of Ohio. In the thirty day interim, Dr. Humes shall not undertake the care of any patient not already under her care.

(SEAL)



Anand G. Garg, M.D.
Secretary

12/03/97
Date

**REPORT AND RECOMMENDATION
IN THE MATTER OF KATHERINE A. HUMES, M.D.**

The Matter of Katherine A. Humes, M.D., was heard by Melinda R. Early, Esq., Attorney Hearing Examiner for the State Medical Board of Ohio, on August 27, 1997. Subsequently, for administrative reasons, the matter was reassigned to Attorney Hearing Examiner Sharon W. Murphy, to review the hearing record and write the Report and Recommendation.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated June 11, 1997, the State Medical Board of Ohio [Board] notified Katherine A. Humes, M.D., that the Board had proposed to take disciplinary action against her certificate to practice medicine and surgery in Ohio. The Board based its proposed action upon Dr. Humes' violation of the Consent Agreement she had entered into with the Board on or about May 11, 1995. Specifically, the Board alleged that Dr. Humes had violated the provision of the Consent Agreement requiring her to abstain from alcohol use and the provision requiring Dr. Humes to continue with psychiatric treatment, including maintaining compliance with recommended pharmacological treatment. Further, the Board alleged that, in an attempt to commit suicide, Dr. Humes had failed to take medications prescribed for her, with a plan to take them in combination with alcohol. In addition, Dr. Humes became extremely intoxicated after drinking alcohol, and was charged with driving while under the influence of alcohol (DUI). Her blood alcohol level was 0.279.

The Board asserted that Dr. Humes' conduct constitutes 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; [and] '(i)nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills,' as that clause is used in Section 4731.22(B)(19), Ohio Revised Code."

Dr. Humes was advised of her right to request a hearing in this Matter. (State's Exhibit 1).

- B. On July 8, 1997, Dr. Humes filed a written hearing request with the Board.
(State's Exhibit 2)

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Elizabeth Y. Collis, Assistant Attorney General.
- B. On behalf of Respondent: Russell E. Carnahan, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Katherine A. Humes, M.D.

II. Exhibits Examined

In addition to State's Exhibit 1 and 2, noted above, the following exhibits were identified and admitted into evidence:

A. Presented by the State

1. State's Exhibit 3: Copy of July 11, 1997, letter from the Board to Dr. Humes advising her that a hearing had been set for July 21, 1997, but further advising that the hearing had been rescheduled. (2 pp.)
2. State's Exhibit 4: Copy of July 15, 1997, letter from the Board to Dr. Humes scheduling the hearing for August 27, 1997.
3. State's Exhibit 5: Copy of the State's Notice of Appearance of Counsel, filed on or about July 28, 1997.
4. State's Exhibit 6: Respondent's Notice of Appearance of Counsel, filed July 31, 1997.
5. State's Exhibit 7: Copy of Consent Agreement between Dr. Humes and the Board with an effective date of May 11, 1995. (5 pp.)
6. State's Exhibit 8: Copy of an April 18, 1997, letter from Karipineni Prasad, M.D., to the Board regarding Dr. Humes' psychiatric status.

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7. State's Exhibit 9: Collection of documents pertaining to an automobile accident in which Dr. Humes was involved on May 6, 1997. (18 pp.)

B. Presented by the Respondent

1. Respondent's Exhibit A: Affidavit of Carl J. Bishop, with attached letters of support for Dr. Humes. (6 pp.)
2. Respondent's Exhibit B: Copy of February 10, 1997, letter from William T. Bartels, M.D., to the Board regarding Dr. Humes' performance while working in his office as a locum tenens physician.
3. Respondent's Exhibit C: Copy of July 30, 1997, letter from Jerry McCreery, M.D., Dr. Humes' monitoring physician, to the Board regarding Dr. Humes' status.
4. Respondent's Exhibit D: Affidavit of Jerry McCreery, M.D. (3 pp.)

III. Post-Hearing Admissions to the Record

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

Board Exhibit A: An October 30, 1997, Entry reassigning the hearing to Attorney Hearing Examiner Sharon W. Murphy, from Melinda R. Early, for administrative reasons.

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. Katherine A. Humes, M.D., obtained her Doctor of Medicine degree from the University of California at Davis in 1992. In 1995, she completed a family medicine residency at St. Elizabeth's Hospital in Youngstown, Ohio. Dr. Humes practiced medicine in the Youngstown area for approximately two years before establishing a practice in Baltimore, Ohio, with a family practice group. (Transcript [Tr.] at 19-22, 26, 28).
2. In the final year of her residency, Dr. Humes applied for an Ohio certificate to practice medicine and surgery. In her application for licensure, Dr. Humes

disclosed to the Board that she had had a history of mental health problems, with a diagnosis of major depression and mixed personality disorder.

Dr. Humes had first been treated by a psychologist while in junior high school. In 1988, while in medical school, Dr. Humes suffered an episode of major depression, and again sought treatment from a psychiatrist. The psychiatrist prescribed desipramine. Two years later, Dr. Humes was hospitalized for 16 days with a diagnosis of depression. In 1993, Dr. Humes again entered into psychiatric therapy. Dr. Humes admitted that during depressive episodes, her alcohol intake increased. At the time she applied for licensure with the Board, Dr. Humes represented that she had continued with treatment through Associates in Mental Health, Inc., and had been compliant with her treatment regime. (Tr. at 20-21, 25; St. Ex. 7).

3. Dr. Humes entered into a Consent Agreement with the Board on May 11, 1995. The Consent Agreement included the following probationary terms and conditions:
 - a. Dr. Humes agreed to abstain completely from the use of alcohol.
 - b. Dr. Humes agreed to continue psychiatric treatment with Karipineni Prasad, M.D., and to maintain recommended pharmacological therapy.

The term of the Consent Agreement was from May 11, 1995, through May 11, 1997. (St. Ex. 7; Tr. 20-23).

4. During her residency, Dr. Humes initiated psychiatric treatment with Karipineni Prasad, M.D. She continued to receive treatment from Dr. Prasad until late April 1997. (Tr. at 24). On April 18, 1997, Dr. Prasad reported to the Board as follows:

[Dr. Humes has been experiencing] depressive feelings stemmed from relationship difficulties with boyfriend, difficulty finding stable employment, recent onset of back pain and professional restriction.

In my opinion her depression was situational. Her overall emotional and cognitive function remained stable in spite of above said stressors.

She had been taking her medication regularly as prescribed. I have prescribed:

1. Norpramin [desipramine HCl] 100 mg. B.I.D., to prevent relapse of depressive symptoms.

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2. Resperidol [sic] [risperidone] 0.5 mg., to 1 mg. Q hs, to treat and prevent persecutory ideation.
3. Klonopin [clonazepam] 0.5 mg, B.I.D., PRN, to prevent anxiety attacks and generalized anxiety symptoms;
4. Inderal 10 mg., Qd PRN, for performance anxiety.

Caution: her symptoms will relapse if she discontinues medications.

(St. Ex. 8) (emphasis in original).

5. Dr. Humes complied with the terms of her Consent Agreement until May 6, 1997. (Tr. at 25).
6. Dr. Humes testified that in late April 1997, she left her place of employment in Youngstown, Ohio. She was planning to be married and to relocate to the Columbus area. She also planned to find another psychiatrist, because she did not feel that "it was going well" with Dr. Prasad. Dr. Humes testified that she began feeling depressed in early May. She had some financial problems because she had been working only part time. In addition, she had a fight with her fiancée, and terminated the relationship. Dr. Humes stated that she stayed at home for three days without eating or sleeping. She stated that her depression was exacerbated because she was not working, and because she had no close friends or family to call. (Tr. at 25-28, 31-32).

Dr. Humes testified that, on the morning of May 6, 1997, she developed a plan to commit suicide by taking an overdose of medication. Accordingly, she did not take her medications that morning, but saved them to use later in combination with alcohol. Dr. Humes testified that she decided to go to her fiancée's home before acting on her plan. She started to his home in her automobile but, on the way, she began to feel shaky, upset, and disoriented. She stated that she had come to an intersection in the road which always makes her nervous, and she tried to get off the road. In the process, she hit a light pole and guardrail. She then walked to a service station and called her fiancée. They had another fight. Thereafter, Dr. Humes went to several taverns and drank "shots." Dr. Humes stated that she eventually went outside and sat down on a sidewalk nowhere near her car. She waited there until the police arrived, and advised them that she did not know where she had left her car. At hearing, Dr. Humes denied having consumed alcohol prior to driving her car. (Tr. at 32-36).

7. Court records indicate that, on May 6, 1997, Dr. Humes was involved in a single car automobile accident on Interstate 80 in Liberty Township, Ohio. The police officers at the scene interviewed Dr. Humes, who advised that the accident had happened five minutes before the arrival of the police officers. She stated that she had driven the car off the road because she was upset. She admitted that she had been drinking "lite beer," and was under the influence of alcohol. A BAC test revealed her blood alcohol level to be 0.279. The officers charged Dr. Humes with driving under the influence, a violation of Section 4511.19(A)(1) and/or (A)(3), and failure to control her vehicle, a violation of Section 4511.202, Ohio Revised Code. A pre-trial hearing was scheduled for September 8, 1997. (St. Ex. 9). [Note: hearing record does not contain any information regarding the outcome of the criminal proceedings.]
8. Dr. Humes had been scheduled to appear before the Board in May 1997 to request termination of her May 1995 Consent Agreement. On May 7, 1997, Dr. Humes advised Board staff of events which had taken place the previous day. Accordingly, the termination appearance before the Board was canceled, and a compliance meeting was scheduled for July. When she appeared before the Board in July, Dr. Humes advised the Board members of the events of May 6, 1997. (Tr. at 37-38).
9. Subsequent to the events of May 6, 1997, Dr. Humes has married her fiancée. She stated that the relationship has been "up and down" but that both parties have learned a lot as a result of Dr. Humes' depressive episode in May. In addition, Dr. Humes has relocated to the Columbus area. She has been practicing medicine since June 1997 with the Baltimore Family Practice group, with two other physicians. One physician in the group, Jerry McCreery, M.D., has been serving as her monitoring physician. Dr. Humes' stated that she believes she is building a healthy support system in her current circumstances. (Tr. at 39, 41-44, 57).
10. Dr. Humes testified that when she relocated to the Columbus area, she sought psychiatric treatment with Dr. Smith. Although Dr. Humes was seeing Dr. Smith at the time of the hearing, Dr. Humes stated that she will be seeking a new psychiatrist because Dr. Smith is closing his practice. Dr. Humes stated that she had not yet determined who her treating psychiatrist will be. (Tr. at 40-42).

In addition, Dr. Humes has been seeing Dr. Goldberg, a psychiatrist who specializes in psychoanalysis. Dr. Humes testified that Dr. Goldberg can not serve as her treating psychiatrist because psychoanalysis is a specialized psychiatric function. Because of the unique characteristics, he does not feel that it would be appropriate for him to make reports to the Board or to Dr. Humes' employers. (Tr. at 40-41, 43).

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Dr. Humes testified that things are going well in her life right now. She stated that the relationship with Dr. Goldberg has been beneficial for her. She further stated that several of her medications have been changed, although she did not specify which medications. (Tr. at 43-44).

11. Dr. Humes submitted affidavits and letters of support. [It should be noted that the Assistant Attorney General did not have an opportunity to cross-examine the authors of these documents.]

David Montanro, D.O., Ron Roberts, R.N., and Carl J. Bishop, R.N. all attested that Dr. Humes was a competent, dependable, and compassionate physician. (Resp. Ex. A). William T. Bartels, M.D., and Jerry D. McCreery, M.D., further attested to Dr. Humes' professional conduct. (Resp. Ex. B-D).

FINDINGS OF FACT

1. Katherine A. Humes, M.D., applied for a certificate to practice medicine and surgery in Ohio in 1995. Dr. Humes disclosed to the Board that she had had a history of mental health problems and had been diagnosed with major depression and mixed personality disorder.
2. Dr. Humes entered into a Consent Agreement with the Board. The term of the Consent Agreement was from May 11, 1995, through May 11, 1997. In the Consent Agreement, Dr. Humes agreed to abstain completely from the use of alcohol. She further agreed to continue psychiatric treatment with Karipineni Prasad, M.D., and to maintain recommended pharmacological therapy.
3. Dr. Humes began feeling depressed in early May 1997. On the morning of May 6, she developed a plan to commit suicide by taking an overdose of medication. Accordingly, she did not take her medications that morning, but saved them to use later in combination with alcohol. Accordingly, Dr. Humes violated the terms of the Consent Agreement by which she agreed to maintain pharmacological therapy.
4. On May 6, 1997, Dr. Humes was involved in a single car automobile accident on Interstate 80 in Liberty Township, Ohio. She admitted that she was under the influence of alcohol. A BAC test revealed her blood alcohol level to be 0.279. The officers charged Dr. Humes with (a) driving under the influence, a violation of Section 4511.19(A)(1) and/or (A)(3), Ohio Revised Code, and (b) failure to control her vehicle, a violation of 4511.202, Ohio Revised Code. Accordingly, Dr. Humes

violated the terms of the Consent Agreement by which she agreed to abstain from the use of alcohol.

CONCLUSIONS OF LAW

1. The Findings of Fact support a conclusion that the conduct of Katherine A. Humes, M.D., constitutes a "(v)iolation of the conditions of limitation placed by the board upon a certificate to practice," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.
2. The Findings of Fact support a conclusion that the conduct of Katherine A. Humes, M.D., constitutes the "(i)nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness," as that clause is used in Section 4731.22((B)(19), Ohio Revised Code.

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Dr. Humes has been candid with the Board since her first request for licensure in 1995. She disclosed her history of mental health issues, and advised the Board immediately after her most recent depressive episode. In addition, the evidence suggests that Dr. Humes has been striving to maintain control of her life by seeking appropriate medical care and complying with the terms of her 1995 Consent Agreement. It is significant that Dr. Humes recognized the early signs of depression and reported her depressive symptoms to Dr. Prasad in April 1997. Moreover, it appears that Dr. Humes has been taking steps to assure that she has the necessary support systems in place to help her through difficult times in the future.

Nevertheless, there remain significant areas of concern for the Board. In April 1997, Dr. Humes was aware that her depressive symptoms were returning, and was dissatisfied with her relationship with Dr. Prasad. It is regrettable that Dr. Humes did not take more aggressive action to prevent the upcoming disaster in her life. Moreover, Dr. Humes spent three days suffering from acute depression, in which she did not seek appropriate help. Instead, she ceased taking her prescribed medications and premeditated a plan to use those medications in combination with alcohol. Such conduct suggests that Dr. Humes' condition had not been stabilized, and warrants closer monitoring in the future.

It is also of concern that Dr. Humes told different versions of the events of May 6 to the police and to the Board at hearing. Dr. Humes told the police who arrived at the scene of the accident that the accident had occurred five minutes before their arrival. She also admitted to the police that she had been intoxicated while driving after drinking 'lite' beer. A BAC test revealed her blood alcohol level to be 0.279. At hearing,

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however, Dr. Humes denied having consumed alcohol prior to driving her car. She stated that the accident had occurred prior to her drinking spree, during which she consumed "shots." These versions of the events are strikingly different.

Finally, although Dr. Humes has been seeing one physician for psychoanalysis, she has not had a stable relationship with a treating psychiatrist. At the time of hearing, Dr. Humes did not know who her treating psychiatrist would be. In addition, Dr. Humes stated that she has changed her psychiatric medications, but did specify those changes or disclose the impact on her mental health status. Accordingly, the Board has no assurance that Dr. Humes' condition is stable at this time.

PROPOSED ORDER

1. The certificate of Dr. Humes to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time.
2. The State Medical Board shall not consider reinstatement of Dr. Humes' certificate to practice unless all of the following minimum requirements have been met:
 - a. Dr. Humes shall submit an application for reinstatement, accompanied by appropriate fees.
 - b. Within sixty days of the effective date of this Order, or as otherwise approved by the Board, Dr. Humes shall commence appropriate treatment, as determined by an informed assessment of her current needs. Such assessment and treatment shall be by a provider or providers approved in advance by the Board. Prior to the initial assessment, Dr. Humes shall furnish the approved provider copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, Conclusions, Order, and any other documentation from the hearing record which the Board may deem appropriate or helpful to that provider. Within ten days after the completion of the initial assessment, Dr. Humes shall cause a written report to be submitted to the Board from the approved provider, which report shall include:
 - i. A detailed plan of recommended treatment based upon the provider's informed assessment of Dr. Humes' current needs; and
 - ii. Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.

- c. Dr. Humes shall provide documentation acceptable to the Board of continuing psychiatric counseling at intervals deemed appropriate by the treating psychiatrist approved by the Board.**
- d. Dr. Humes shall submit to the Board and receive its approval for a plan of practice in Ohio which, until otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Humes' activities will be directly supervised and overseen by a monitoring physician approved in advance by the Board. The monitoring physician shall monitor Dr. Humes, as set forth in paragraph 3(g), below. The monitoring physician shall provide the Board with reports on Dr. Humes' progress and status as directed by the Board.**
- e. Dr. Humes 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.**
- f. For the duration of the period of suspension:**
 - i. Dr. Humes shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of reinstatement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following effective date of this Order, 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.**
 - ii. Dr. Humes shall abstain completely from the use of alcohol.**
 - iii. Continue psychiatric treatment as recommended pursuant to paragraphs 2(b) and 2(c), above.**
- f. In the event that Dr. Humes 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 her fitness to resume practice.**

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3. Upon reinstatement, Dr. Humes' certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
- a. Dr. Humes shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.
 - b. Dr. Humes shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - c. Dr. Humes shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which the probation 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.
 - d. Dr. Humes shall appear in person for interviews before the full Board or its designated representative within three months of the reinstatement of her certificate and at three month intervals thereafter, 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. Although the Board will normally give her written notification of scheduled appearances, it is Dr. Humes' responsibility to know when personal appearances will occur. If she does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Dr. Humes shall immediately submit to the Board a written request to be notified of her next scheduled appearance.

- e. Dr. Humes shall abstain completely from the use of alcohol.
- f. Dr. Humes shall continue to receive psychiatric treatment, if recommended pursuant to paragraph 2(b), above, with a psychiatrist approved by the Board, at such intervals as are deemed appropriate by the treating

psychiatrist, but not less than once per month. The sessions shall be in person and may not be conducted by telephone or other electronic means.

Dr. Humes shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Dr. Humes shall ensure that psychiatric reports are forwarded by her treating psychiatrist to the Board on a quarterly basis, or as otherwise directed by the Board. It is Dr. Humes' responsibility to ensure that the quarterly reports are received in the Board's offices no later than the due date for Dr. Humes' quarterly declaration.

- g. As set forth in paragraph 2(d), above, Dr. Humes shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Humes' activities will be directly supervised and overseen by a monitoring physician approved by the Board. The monitoring physician shall monitor Dr. Humes and provide the Board with reports on Dr. Humes' progress and status on a quarterly basis. All monitoring physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Humes' quarterly declaration. It is Dr. Humes' responsibility to ensure that the reports are timely submitted.

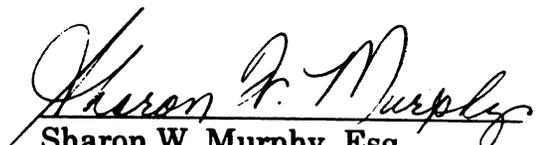
In the event that the approved monitoring physician becomes unable or unwilling to serve, Dr. Humes shall immediately notify the Board in writing and shall make arrangements for another monitoring physician as soon as practicable. Dr. Humes shall refrain from practicing until such supervision is in place, unless otherwise determined by the Board. Dr. Humes 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 therefor.

- h. Dr. Humes shall obtain the Board's prior approval for any alteration to the practice plan which was approved by the Board prior to the reinstatement of her certificate.
- i. Dr. Humes 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.

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- j. Within thirty days of the reinstatement of her certificate, Dr. Humes shall provide a copy of this Order 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 Dr. Humes has privileges or appointments. Further, Dr. Humes shall provide a copy of this Order 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 Dr. Humes applies for or obtains privileges or appointments.
 - k. In the event that Dr. Humes should leave Ohio for three consecutive months, or reside or practice outside the State, Dr. Humes 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 probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 - l. If Dr. Humes violates probation in any respect, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period.
4. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Humes' certificate will be fully restored.

This Order shall become effective thirty days from the date of mailing of notification of approval by the State Medical Board of Ohio. In the thirty day interim, Dr. Humes shall not undertake the care of any patient not already under her care.


Sharon W. Murphy, Esq.
Attorney Hearing Examiner



STATE MEDICAL BOARD OF OHIO

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

EXCERPT FROM THE DRAFT MINUTES OF DECEMBER 3, 1997

REPORTS AND RECOMMENDATIONS

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

Ms. Noble asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Russell B. Allison, M.D.; Theresa E. Boyd, M.D.; Joseph C. Carver, M.D.; John C. Cheek, M.D.; Katherine A. Humes, M.D.; Muneer Mirza, D.P.M.; Laura Rosenbaum-Bloom, M.D.; Terrance E. Smith, M.D.; and Paul W. Wilson, D.O.

A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Ms. Noble	- aye

Mr. Sinnott indicated that he did not read the materials in the matter of Joseph C. Carver, M.D., and Paul W. Wilson, D.O., as his firm had earlier represented both physicians.

Ms. Noble asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- aye

Dr. Agresta - aye
Dr. Garg - aye
Dr. Steinbergh - aye
Ms. Noble - aye

In accordance with the provision in Section 4731.22(C)(1), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

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

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

.....
REPORT AND RECOMMENDATION IN THE MATTER OF KATHERINE A. HUMES, M.D.

.....
MR. SINNOTT MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF KATHERINE A. HUMES, M.D. DR. HEIDT SECONDED THE MOTION.

.....
A vote was taken on Mr. Sinnott's motion to approve and confirm:

VOTE:

Mr. Albert	- abstain
Dr. Heidt	- aye
Dr. Egner	- aye
Mr. Sinnott	- aye
Dr. Buchan	- aye
Dr. Stienecker	- aye
Dr. Agresta	- aye
Dr. Garg	- aye
Dr. Steinbergh	- nay

The motion carried.



STATE MEDICAL BOARD OF OHIO

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

June 11, 1997

Katherine A. Humes, M.D.
1092 Patricia Drive
Girard, OH 44420-2116

Dear Dr. Humes:

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 May 11, 1995, you entered into a Consent Agreement with the State Medical Board of Ohio in lieu of formal proceedings based upon the violation of Section 4731.22(B)(19), 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. A copy of this Consent Agreement is attached hereto and incorporated herein.
- (2)(a) Paragraph (6) of this Consent Agreement states that you "shall abstain completely from the use of alcohol."
- (b) Paragraph (8) of this Consent Agreement states that you "shall continue psychiatric treatment, including maintaining compliance with the recommended pharmacological treatment, with Karipineni R. Prasad, M.D., of Associates in Mental Health Inc., on a bimonthly basis, or as otherwise directed by the Board."
- (c) Despite the provisions of Paragraphs (6) and (8), you notified the Board on or about May 7, 1997, that on or about the previous day, in an attempt to commit suicide, you did not take the medications prescribed for you (with the intention of taking them after you had ingested alcohol) and that you

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drank alcohol and became extremely intoxicated. You further reported that you were subsequently charged with driving while under the influence of alcohol (DUI), after it was determined that you had a breath alcohol content of .279.

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.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "(i)nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

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

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

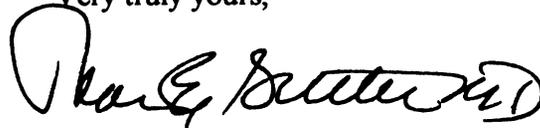
In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Katherine A. Humes, M.D.

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Copies of the applicable sections are enclosed for your information.

Very truly yours,

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

Thomas E. Gretter, M.D.
Secretary

TEG/bjm
Enclosures

CERTIFIED MAIL # Z 395 587 539
RETURN RECEIPT REQUESTED

cc: Christopher J. Shaker, Esq.
CERTIFIED MAIL # Z 395 587 540
RETURN RECEIPT REQUESTED

**CONSENT AGREEMENT
BETWEEN
KATHERINE A. HUMES, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

KATHERINE A. HUMES, 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)(19), 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 "(i)nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon Section 4731.22(B)(19), Ohio Revised Code, 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. KATHERINE A. HUMES, M.D., is applying for licensure to practice medicine and surgery in the State of Ohio.
- D. KATHERINE A. HUMES, M.D., ADMITS that she suffers from Major Depression and Mixed Personality Disorder for which she received

psychiatric therapy at the University of California at Davis Medical Center in or about 1990, and for which she also received inpatient treatment at the Sutter Center for Psychiatry in California from April 26, 1990, through May 12, 1990. DOCTOR HUMES further ADMITS that she also began receiving treatment, including periodic counseling and a prescribed medication regime, at Associates in Mental Health, Inc., Warren, Ohio, on November 20, 1993, and that such treatment, with which she has been fully compliant, continues to date.

- E. KATHERINE A. HUMES, M.D., STATES that she has been a family practice resident at St. Elizabeth's Hospital Medical Center in Youngstown, Ohio, since July 1, 1992. She further STATES that she has successfully completed more than thirty (30) months of graduate medical education in such residency and that she is scheduled to be awarded a certificate upon completion of the family practice residency on or about June 30, 1995.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, KATHERINE A. HUMES, M.D., shall be granted a certificate to practice medicine and surgery in the State of Ohio and knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following PROBATIONARY terms, conditions and limitations:

1. DOCTOR HUMES shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. DOCTOR HUMES 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;
3. DOCTOR HUMES 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 that DOCTOR HUMES should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR HUMES must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT, unless otherwise

determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed;

5. In the event DOCTOR HUMES 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;
6. DOCTOR HUMES shall abstain completely from the use of alcohol;
7. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR HUMES shall submit for the BOARD's prior approval the name of a monitoring physician, who shall monitor DOCTOR HUMES and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR HUMES 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 HUMES must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR HUMES 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;
8. DOCTOR HUMES shall continue psychiatric treatment, including maintaining compliance with the recommended pharmacological treatment, with Karipineni R. Prasad, M.D., of Associates in Mental Health, Inc., on a bimonthly basis, or as otherwise directed by the BOARD. DOCTOR HUMES shall ensure that psychiatric reports are forwarded by her treating psychiatrist to the BOARD on a quarterly basis or as otherwise directed by the BOARD.

In the event that the designated treating psychiatrist becomes unable or unwilling to so serve, or if DOCTOR HUMES desires to change treating psychiatrists, DOCTOR HUMES must immediately so notify the BOARD in writing and submit to the BOARD, for its prior approval, the name and qualifications of another psychiatrist of her choice. Upon approval by the BOARD, DOCTOR HUMES shall submit to an evaluation by the treating psychiatrist approved by the BOARD after making full disclosure of her prior psychiatric history and treatment. DOCTOR HUMES shall thereafter undergo and continue psychiatric treatment as directed by the

BOARD after its review of the report of evaluation to be forwarded by the treating psychiatrist. DOCTOR HUMES shall ensure that psychiatric reports are forwarded by her treating psychiatrist to the BOARD after the initial evaluation and on a quarterly basis thereafter, or as otherwise directed by the BOARD.

9. DOCTOR HUMES 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
10. Within thirty (30) days of the effective date of this Agreement, DOCTOR HUMES shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which she contracts to provide physician services or receive training; and the Chief of Staff at each hospital where she has, applies for, or obtains privileges or appointments.

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 HUMES 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 HUMES 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.

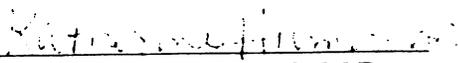
Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

DOCTOR HUMES hereby releases THE STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

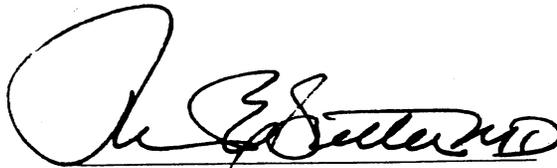
CONSENT AGREEMENT
KATHERINE A. HUMES, M.D.
PAGE 5

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.

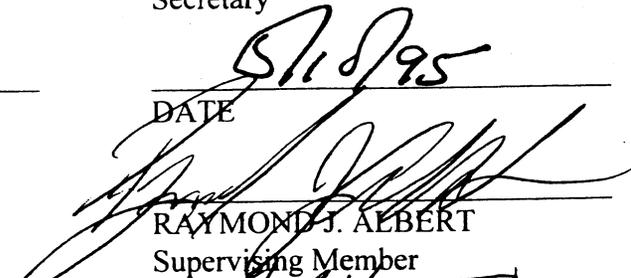
Further, this information may be reported to appropriate organizations, data banks and governmental bodies.


KATHERINE A. HUMES, M.D.

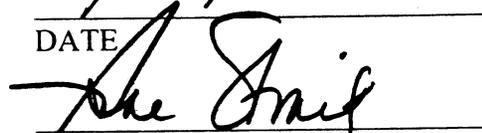
4-26-95
DATE


THOMAS E. GREYTER, M.D.
Secretary

5/10/95
DATE


RAYMOND J. ALBERT
Supervising Member

5/11/95
DATE


ANNE C. BERRY STRAIT, ESQ.
Assistant Attorney General

5/10/95
DATE