

2007 APR -5 A 10: 45

**STEP II  
CONSENT AGREEMENT  
BETWEEN  
DONALD C. MANN, M.D.,  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

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

**BASIS FOR ACTION**

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

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violations of Section 4731.22(B)(26), Ohio Revised Code, "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;" and/or Section 4731.22(B)(10), Ohio Revised Code, "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(26), Ohio Revised Code, and 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.22, Ohio Revised Code, Deception to Obtain a Dangerous Drug, as set forth in Paragraph E of the March 8, 2006 Step I Consent Agreement Between Donald C. Mann, M.D., and the State Medical Board of Ohio [March 2006 Step I Consent Agreement], a copy of which is attached hereto and fully incorporated herein, as well as set forth in Paragraphs E through I below. The Board 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. Such express reservation includes, but is not limited to, violations based on any methods used by Dr. Mann to obtain controlled substances or drugs for self-use other than as particularly described herein, criminal acts other than as specifically referenced

herein, acts involving patient care or otherwise involving others, and/or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, any criminal offense(s) other than those specifically described herein pertaining to Dr. Mann's felonious conduct to obtain drugs for self-use.

- C. Dr. Mann is applying for reinstatement of his license to practice medicine and surgery in the State of Ohio, license number 35.071870, which was indefinitely suspended, but not less than one year, pursuant to terms of the above-referenced March 2006 Step I Consent Agreement.
- D. Dr. Mann states that he is not licensed to practice medicine and surgery in any other state or jurisdiction. Dr. Mann further states that he had been licensed to practice medicine and surgery in the states of Illinois and Indiana, however, both licenses have been inactive, since 2005 and 2003, respectively.
- E. Dr. Mann admits that he entered treatment for chemical dependency and depression at Rush Behavioral Health [Rush Behavioral], a Board-approved treatment provider in Oak Park, Illinois, on or about January 26, 2006, and that he was discharged treatment complete on or about March 28, 2006.
- F. Dr. Mann admits that on or about October 6, 2006, in the Court of Common Pleas in Morrow County, Ohio, he was indicted on fourteen felony counts of Deception to Obtain a Dangerous Drug in violation of Section 2925.22, Ohio Revised Code, related to the drug-related criminal charges that were pending against him in that county at the time he entered into the aforementioned March 2006 Step I Consent Agreement. Dr. Mann further admits that the criminal case is currently pending.
- G. Dr. Mann states and the Board acknowledges receipt of information to support that he has remained compliant with the terms of his aftercare contract with Rush Behavioral which is effective from on or about March 28, 2006, to March 28, 2008; and with the terms of his advocacy contract with the Illinois Professionals Health Program, which is effective from on or about May 16, 2006, to May 15, 2011.
- H. Dr. Mann states and the Board acknowledges receipt of information to support that Daniel Angres, M.D., Director of Rush Behavioral, provided a written report indicating that Dr. Mann's ability to practice has been assessed and that he has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place, including that he have psychiatric therapy with a psychiatrist and/or a psychotherapist who have experience with professionals dealing with alcohol and other substances of abuse. Dr. Mann states and the Board acknowledges receipt of information to support that Harry Nguyen, M.D., Medical Director of the Woods at Parkside, a Board-approved treatment provider in Columbus, Ohio, provided a written

report indicating that Dr. Mann's ability to practice has been assessed and that he has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place.

- I. Dr. Mann states and the Board acknowledges receipt of information to support that Dr. Mann has fulfilled the conditions for reinstatement of his certificate to practice medicine and surgery in the State of Ohio, as established in the above-referenced August 2006 Step I Consent Agreement between Dr. Mann and the Board.

### **AGREED CONDITIONS**

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, the certificate of Dr. Mann to practice medicine and surgery in the State of Ohio shall be reinstated, and Dr. Mann knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

1. Dr. Mann shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Mann shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the date his quarterly declaration would have been due pursuant to his March 2006 Step I Consent Agreement with the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Mann shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place on the date his appearance would have been scheduled pursuant to his March 2006 Step I Consent Agreement with the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. Dr. Mann shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.

5. In the event Dr. Mann is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

## **MONITORING OF REHABILITATION AND TREATMENT**

### **Drug Associated Restrictions**

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

### **Sobriety**

8. Dr. Mann shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Mann's history of chemical dependency.
9. Dr. Mann shall abstain completely from the use of alcohol.

### **Drug and Alcohol Screens/Supervising Physician**

10. Dr. Mann shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Mann 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. Mann shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Dr. Mann and the Board agree that the person or entity previously approved by the Board to serve as Dr. Mann's supervising physician pursuant to the March 2006 Step I Consent Agreement is hereby approved to continue as Dr. Mann's designated supervising physician under this Consent Agreement, unless within thirty days of the effective date of this Consent Agreement, Dr. Mann submits to the Board for its prior approval the name and curriculum vitae of an alternative supervising physician to whom Dr. Mann 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. Mann. Dr. Mann 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.

The Board expressly reserves the right to disapprove any person or entity proposed to serve as Dr. Mann's designated supervising physician, or to withdraw approval of any person or entity previously approved to serve as Dr. Mann's designated supervising physician, in the event that the Secretary and Supervising Member of the Board determine that any such supervising physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Dr. Mann 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. Mann must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Mann 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. Mann's quarterly declaration. It is Dr. Mann's responsibility to ensure that reports are timely submitted.

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

### **Monitoring Physician**

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

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

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

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Mann must immediately so notify the Board in writing. In addition, Dr. Mann shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Mann shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

### **Psychiatric Treatment**

13. Within thirty days of the effective date of this Consent Agreement, Dr. Mann shall submit to the Board for its prior approval the name and qualifications of a psychiatrist and/or psychotherapist of his choice, who has experience with professionals dealing with alcohol and other substances of abuse. Upon approval by the Board, Dr. Mann shall undergo and continue psychiatric/psychological treatment, including individual psychotherapy, monthly for one year, after which the frequency of the psychiatric/psychological treatment is to be determined by his Board-approved treating psychiatrist and/or psychotherapist or as otherwise directed by the Board. Dr.

Mann shall comply with his psychiatric/psychological treatment plan, including taking medications as prescribed and/or ordered. Dr. Mann shall ensure that psychiatric/psychological reports are forwarded by his treating psychiatrist and/or psychotherapist to the Board on a quarterly basis, or as otherwise directed by the Board. The psychiatric/psychological reports shall contain information describing Dr. Mann's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Mann's compliance with his treatment plan; Dr. Mann's mental status; Dr. Mann's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Mann shall ensure that his treating psychiatrist and/or psychotherapist immediately notifies the Board of his failure to comply with his psychiatric/psychological treatment plan and/or any determination that Dr. Mann is unable to practice due to a psychiatric/psychological disorder. It is Dr. Mann's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Mann's quarterly declaration.

In the event that the designated treating psychiatrist and/or psychotherapist become unable or unwilling to serve in this capacity, Dr. Mann must immediately so notify the Board in writing. In addition, Dr. Mann shall make arrangements acceptable to the Board for another treating psychiatrist and/or psychotherapist within thirty days after the previously designated treating psychiatrist and/or psychotherapist becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Mann shall ensure that the previously designated treating psychiatrist and/or psychotherapist also notify the Board directly of his or her inability to continue to serve and the reasons therefore.

#### **Work Hour Limitation**

14. Dr. Mann shall limit his work hours to no more than fifty hours of work per week, until otherwise approved by the Board. Dr. Mann shall keep a log reflecting the dates, times, and facilities and/or locations at which he works. Dr. Mann shall submit his work log for receipt in the Board's offices no later than the due date for Dr. Mann's quarterly declaration.

Any request by Dr. Mann for modification of the limitation on work hours set forth in this paragraph shall be accompanied by documentation from a physician affiliated with a Board approved treatment provider, or other physician approved by the Board for this purpose, who has evaluated Dr. Mann, indicating that such physician supports Dr. Mann's request for modification.

#### **Rehabilitation Program**

15. Dr. Mann shall 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. Mann 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. Mann's quarterly declarations.

#### **Aftercare**

16. Dr. Mann shall contact an appropriate impaired physicians committee, approved by the Board, to arrange for assistance in recovery or aftercare.
17. Dr. Mann shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, provided that, where terms of the aftercare contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

#### **Releases**

18. Dr. Mann 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. Mann's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Mann further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.

#### **Required Reporting by Licensee**

19. Within thirty days of the effective date of this Consent Agreement, Dr. Mann shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Mann shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

20. Within thirty days of the effective date of this Consent Agreement, Dr. Mann shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Mann further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license. Further, Dr. Mann shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
21. Dr. Mann shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Mann chemical dependency treatment or monitoring.

#### **FAILURE TO COMPLY**

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

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

#### **DURATION/MODIFICATION OF TERMS**

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

#### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

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

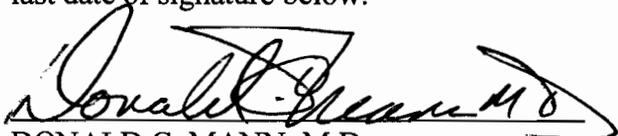
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Mann 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. Mann acknowledges that his social security number will be used if this information is so reported and agrees to provide his 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.

  
DONALD C. MANN, M.D.

  
LANCE A. TALMAGE, M.D.  
Secretary

4-2-2007  
DATE

4-11-07  
DATE

  
ERIC PLINKE  
Attorney for Dr. Mann

  
RAYMOND J. ALBERT  
Supervising Member

4/4/7  
DATE

4/11/07  
DATE

  
MARCIE PASTRICK  
Enforcement Attorney

april 5, 2007  
DATE

**STEP I**  
**CONSENT AGREEMENT**  
**BETWEEN**  
**DONALD C. MANN, M.D.,**  
**AND**  
**THE STATE MEDICAL BOARD OF OHIO**

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

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

**BASIS FOR ACTION**

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

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violations of Section 4731.22(B)(26), Ohio Revised Code, “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;” and/or Section 4731.22(B)(10), Ohio Revised Code, “[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(26), Ohio Revised Code, and 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.22, Ohio Revised Code, Deception to Obtain a Dangerous Drug, as set forth in Paragraph E below. The Board 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. Such express reservation includes, but is not limited to, violations based on any methods used by Dr. Mann to obtain controlled substances or drugs for self-use other than as particularly described herein, criminal acts other than as specifically referenced herein, acts involving patient care or otherwise involving others, and/or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, any criminal offense(s) other than those specifically described herein pertaining to Dr. Mann’s felonious conduct to obtain drugs for self-use.

- C. Dr. Mann is licensed to practice medicine and surgery in the State of Ohio, License # 35.071870.
- D. Dr. Mann states that he is not licensed to practice medicine and surgery in any other State or jurisdiction. Dr. Mann further states that he had been licensed to practice medicine and surgery in the State of Illinois, however, such license has been inactive since July 31, 2005.
- E. Dr. Mann admits that he received treatment for chemical dependency from in or about November 1, 2002, to January 5, 2003, at Rush Behavioral Health, a Board-approved treatment provider, in Downers Grove, Illinois, [Rush Behavioral]. Dr. Mann further admits that he entered this treatment after he abused Vicodin, often obtaining Vicodin by writing prescriptions in the name of a family member though the Vicodin to be obtained through such prescriptions was intended for himself.

Dr. Mann states that, after being prescribed tramadol by his addictionologist for a legitimate medical condition in November 2004, from approximately March 2005 through November 2005, he obtained approximately 6,740 Tramadol, both from his treating physicians and improperly by self-prescribing. Additionally, from approximately March 2005 through January 2006, he admits that he obtained approximately 200 Hydrocodone, 100 Vicodin and 45 Darvocet from approximately 16 different treating doctors and dentists. Dr. Mann states that he never directly or indirectly involved patients in his efforts to obtain mood-altering drugs or controlled substances for self-use.

Dr. Mann further admits that he resigned all his hospital privileges in Ohio. Thereafter, Dr. Mann further admits that he entered treatment for chemical dependency at Rush Behavioral on or about January 25, 2006.

Dr. Mann further admits that in or about January 2006, he initially was contacted and interviewed by the Morrow County Sheriff's Department, in Morrow County, Ohio, in relation to the investigation that they were conducting which involved Dr. Mann obtaining prescriptions from approximately 16 different doctors and dentists. Dr. Mann further admits that the Morrow County Prosecutor may pursue criminal charges in relation to his above-mentioned actions.

#### **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. Mann knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

#### **SUSPENSION OF CERTIFICATE**

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

#### Sobriety

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

#### Releases; Quarterly Declarations and Appearances

4. Dr. Mann 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. Mann's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Mann further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.
5. Dr. Mann 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. Mann 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. Mann shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Mann 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. Mann 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. Mann shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Mann 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. Mann. Dr. Mann 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. Mann 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. Mann must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Mann 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. Mann's quarterly declaration. It is Dr. Mann's responsibility to ensure that reports are timely submitted.

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

#### Rehabilitation Program

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

#### **CONDITIONS FOR REINSTATEMENT**

10. The Board shall not consider reinstatement of Dr. Mann's certificate to practice medicine and surgery until all of the following conditions are met:
  - a. Dr. Mann shall submit an application for reinstatement, accompanied by appropriate fees, if any.
  - b. Dr. Mann shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
    - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Mann has successfully completed any required inpatient treatment.
    - ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
    - iii. Evidence of continuing full compliance with this Consent Agreement.
    - iv. Two written reports indicating that Dr. Mann's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by physicians 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. Mann. Prior to the assessments, Dr. Mann shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he 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. Mann, and any conditions, restrictions, or limitations that should be imposed on Dr. Mann's practice. The reports shall also describe the basis for the evaluator'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. Mann shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Mann are unable to agree on the terms of a written Consent Agreement, then Dr. Mann 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. Mann's certificate to practice medicine and surgery in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code. Moreover, upon termination of the consent agreement or Board Order, Dr. Mann 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. Mann has maintained sobriety.

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

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

12. Within thirty days of the effective date of this Consent Agreement, Dr. Mann shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Mann further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Mann 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. Mann shall provide a copy of this Consent Agreement to all employers or entities with which he is

under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Mann shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

14. Dr. Mann shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Mann chemical dependency treatment or monitoring.

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

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

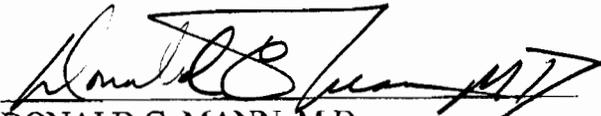
Dr. Mann hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

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. Mann acknowledges that his social security number will be used if this information is so reported and agrees to provide his 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.

STEP I CONSENT AGREEMENT  
DONALD C. MANN, M.D.  
PAGE 8

  
DONALD C. MANN, M.D.

  
LANCE A. TALMAGE, M.D.  
Secretary

3. 6. 06  
DATE

3-8-06  
DATE

  
ERIC J. PLINKE  
Attorney for Dr. Mann

  
RAYMOND J. ALBERT  
Supervising Member

3/7/6  
DATE

3/8/06  
DATE

  
MARCIE PASTRICK  
Enforcement Attorney

March 8, 2006  
DATE