

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
:
PAULA CLARK ADKINS, M.D. :

ENTRY OF ORDER

On June 25, 2012, Paula Clark Adkins, M.D., executed a Surrender of her license to practice medicine and surgery in Ohio with consent to revocation, which document is attached hereto and fully incorporated herein.

Wherefore, upon ratification by the Board of the surrender, it is hereby ORDERED that Certificate No. 35-072775 authorizing Paula Clark Adkins, M.D., to practice medicine and surgery in the state of Ohio be permanently REVOKED.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 11th day of July 2012, and the original thereof shall be kept with said Journal.



J. Craig Strafford, M.D., M.P.H.
Secretary

(SEAL)

July 11, 2012

Date

**STATE OF OHIO
THE STATE MEDICAL BOARD
PERMANENT SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY**

Do not sign this agreement without reading it. An individual who permanently surrenders a certificate issued by the Board is forever thereafter ineligible to hold a certificate to practice or to apply to the Board for reinstatement of the certificate or issuance of any new certificate. You are permitted to be accompanied, represented and advised by an attorney, at your own expense, before deciding to sign this voluntary agreement.

I, Paula Clark Adkins, M.D., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, Paula Clark Adkins, M.D., acknowledge that I am not currently authorized to practice medicine and surgery in Ohio due to the Entry of Order entered by the State Medical Board of Ohio [Board] on or about July 9, 2008, with an effective date of on or about July 11, 2008 [July 2008 Board Order], that revoked my certificate to practice in Ohio, stayed such revocation, and suspended my certificate to practice for an indefinite period of time, but not less than 180 days, from the effective date of the Order. I, Paula Clark Adkins, M.D., further acknowledge that I remain subject to all the terms, conditions and limitations of the July 2008 Board Order, as modified, and that my certificate to practice in Ohio is currently inactive.

I, Paula Clark Adkins, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, License #35.072775, to the Board, thereby relinquishing all rights to practice medicine and surgery in Ohio.

I understand that as a result of the surrender herein I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement or restoration of certificate to practice medicine and surgery License #35.072775 or issuance of any other certificate pursuant to the authority of the State Medical Board of Ohio, on or after the date of signing this Permanent Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice medicine and surgery, License #35.072775, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine

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witnesses, and right to appeal the Order of the Board revoking my certificate to practice medicine and surgery.

I, Paula Clark Adkins, M.D., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document 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. I, Paula Clark Adkins, M.D., acknowledge that my social security number will be used if this information is so reported and agree to provide my social security number to the Board for such purposes.

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Sections 4731.22(B)(15) and (B)(22), Ohio Revised Code, based on my violation of the July 2008 Board Order and my voluntary surrender of my license to practice medicine in North Carolina, respectively.

EFFECTIVE DATE

It is expressly understood that this Permanent Surrender of Certificate 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.



PAULA CLARK ADKINS, M.D.

6/25/12

DATE



J. CRAIG STRAFFORD, M.D., M.P.H.
Secretary

11 July 2012

DATE



~~LANCE A. TALMAGE, M.D.~~ Mark A. Bechtel, MD
~~Acting Supervising Member~~ Supervising Member

11 July 2012

DATE

MEDICAL BOARD

JUN 27 2012

Mark R. Blackmer

MARK R. BLACKMER
Enforcement Attorney

July 3, 2012

DATE

MEDICAL BOARD
JUN 27 2012

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

July 9, 2008

Paula Clark Adkins, M.D.
30 Magnolia Avenue
Pinehurst, NC 28374

Dear Doctor Adkins:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 9, 2008, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

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

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in black ink, appearing to read "Lance A. Talmage M.D.", is written over the typed name.

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3934 3690 5708
RETURN RECEIPT REQUESTED

Mailed 7-11-08

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 9, 2008, 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 Paula Clark Adkins, 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.



Lance A. Talmage, M.D.
Secretary

(SEAL)

July 9, 2008

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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PAULA CLARK ADKINS, M.D.

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ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on July 9, 2008.

Upon the Report and Recommendation of Gretchen L. Petrucci, 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:

- A. **REVOCATION, STAYED; SUSPENSION:** The certificate of Paula Clark Adkins, M.D., to practice medicine and surgery in the State of Ohio, shall be REVOKED. Such revocation is STAYED and Dr. Adkins' certificate shall be SUSPENDED for an indefinite period of time, but not less than 180 days.

- B. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**
 - 1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Adkins shall provide a copy of this Order to all employers or entities with which she is under contract to provide health care services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or health-care center where she has privileges or appointments. Further, Dr. Adkins shall promptly provide a copy of this Order to all employers or entities with which she contracts to provide health care services (including but not limited to third-party payors), or entities to which Dr. Adkins applies for or receives training, and the Chief of Staff at each hospital or health-care center where she applies for or obtains privileges or appointments. This requirement shall continue until

Dr. Adkins receives from the Board written notification of the successful completion of the probation.

In the event that Dr. Adkins provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, she shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services. This requirement shall continue until Dr. Adkins receives from the Board written notification of the successful completion of the probation.

Further, Dr. Adkins shall provide the Board with one of the following documents as proof of each required notification within 30 days of the date of each notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Adkins shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which she currently holds any license or certificate. Also, Dr. Adkins shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which she applies for any professional license or reinstatement/restoration of any professional license.

Further, Dr. Adkins shall provide this Board with one of the following documents as proof of each required notification within 30 days of the date of each such notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

3. **Required Reporting to Those Providing Chemical Dependency Treatment or Monitoring:** Dr. Adkins shall promptly provide a copy of this

Order to all persons and entities that provide Dr. Adkins chemical dependency treatment or monitoring. Further, Dr. Adkins shall provide the Board with one of the following documents as proof of each required notification within 30 days of the date of each such notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed. This requirement shall continue until Dr. Adkins receives from the Board written notification of the successful completion of the probation.

4. **Required Reporting of Change of Addresses:** Dr. Adkins shall notify the Board in writing of any change of principal practice address or residence address within 30 days of such change.
- C. **INTERIM MONITORING:** During the period in which Dr. Adkins' certificate to practice medicine and surgery in Ohio is suspended, Dr. Adkins shall comply with the following terms, conditions, and limitations:
1. **Obey the Law and Other Regulatory Authorities' Orders:** Dr. Adkins shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which she is practicing; and all terms of any future orders issued by the regulatory authorities in other states or jurisdictions.
 2. **Quarterly Appearances:** Dr. Adkins 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 Order. 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.
 3. **Quarterly Declarations:** Dr. Adkins 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 Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 4. **Sobriety:**

- a. **Abstention from Drugs:** Dr. Adkins shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of Dr. Adkins' history of chemical dependency. Further, in the event that Dr. Adkins is so prescribed, dispensed or administered any controlled substance (including Tussionex or another form of hydrocodone), carisoprodol, or tramadol, Dr. Adkins shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Dr. Adkins received; the medical purpose for which she received the drug; the date the drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within 30 days of the date the drug is so prescribed, dispensed, or administered to her, Dr. Adkins shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.
 - b. **Abstention from Alcohol:** Dr. Adkins shall abstain completely from the use of alcohol.
5. **Comply with the Terms of Aftercare Contract and Recovery Contract:** Dr. Adkins shall comply with the aftercare contract entered into with the William J. Farley Center and any recovery contract she has entered or may enter into with the North Carolina Physicians Health Program while in effect, provided that, where terms of the aftercare and/or recovery contracts conflict with terms of this Order, the terms of this Order shall control. Moreover, Dr. Adkins shall submit copies to the Board of any reports that she submits to the William J. Farley Center, the North Carolina Physicians Health Program, and/or the North Carolina Medical Board.

Dr. Adkins shall submit declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the terms, conditions and limitations imposed by the aftercare and recovery contracts entered into with the William J. Farley Center and the North Carolina Physicians Health Program while in effect. Dr. Adkins shall ensure that these quarterly declarations are received in the Board's offices no later than the due date for Dr. Adkins' quarterly declarations identified in paragraph C.3, above.

6. **Rehabilitation Program:** Dr. Adkins 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, unless otherwise determined by the Board. Substitution of any other specific program must receive prior Board approval. Dr. Adkins shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board

of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Adkins' quarterly declarations.

7. **Releases:** Dr. Adkins 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. Adkins' chemical dependency, or related conditions, or for purposes of complying with this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. To the extent permitted by law, 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. Further, Dr. Adkins shall provide the Board with 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 Order.
8. **Reports Regarding Drug & Alcohol Screens:** All screening reports required by Dr. Adkins' treatment provider must be received in the Board's offices no later than the due date for Dr. Adkins' quarterly declarations identified in paragraph C.3, above. It is Dr. Adkins' responsibility to ensure that the screening reports are timely submitted.
9. **Notification of Termination of Aftercare Contract or Recovery Contract:** If the William J. Farley Center should terminate its agreement with Dr. Adkins before Dr. Adkins completes the expected term of the agreement and/or the North Carolina Physicians Health Program should terminate its agreement with Dr. Adkins before Dr. Adkins completes the expected term of that agreement, Dr. Adkins shall notify the Board of that termination within 30 days thereof, and provide the Board with any written documentation regarding that termination. In the event of such termination, the Board may impose additional terms, conditions, or limitations upon Dr. Adkins' certificate as set forth in paragraph E.3, below.

D. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Adkins' certificate to practice medicine and surgery in Ohio until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration:** Dr. Adkins shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Compliance with Notification and Interim Monitoring Requirements:** Dr. Adkins shall have maintained compliance with all the notification and interim monitoring requirements set forth in Paragraphs B and C of this Order.

3. **Evidence of Unrestricted Licensure in Other States:** At the time she submits her application for reinstatement or restoration, Dr. Adkins shall provide written documentation acceptable to the Board verifying that, in the states in which Dr. Adkins holds a license to practice medicine and surgery at the time of application for reinstatement or restoration, the license is a full and unrestricted license, or that she would be entitled to a full and unrestricted license but for the nonpayment of renewal fees.

4. **Demonstration of Ability to Resume Practice:** Dr. Adkins shall demonstrate to the satisfaction of the Board that she can resume practice as a physician 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:
 - a. Certification from a treatment provider approved by the Board that Dr. Adkins has successfully completed any treatment required by the Board, including treatment required by statutes and/or administrative rules in effect at the time of the application.¹

 - b. Evidence that Dr. Adkins, immediately upon completion of any required treatment for chemical dependency, entered into an aftercare contract with the treatment provider; and, in addition, evidence of continuing full compliance with, or successful completion of, the post-discharge aftercare contract except that, where the terms of the aftercare contract conflict with the terms of this Order, the terms of this Order shall control. 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, Ohio Administrative Code, or other administrative rule in effect at the time of the application.

 - c. Evidence of continuing full compliance with this Order.

 - d. Two written reports indicating that Dr. Adkins' ability to practice has been assessed and that she 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. Adkins. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Adkins shall provide the evaluators with copies

¹Section 4731.22(B)(22)(a), Ohio Revised Code, mandates that certification must be provided by "an approved treatment provider" in order to demonstrate eligibility for reinstatement. However, the statute does not require that the treatment provider must have been approved *before* the individual successfully completed inpatient treatment.

of patient records from any evaluations and/or treatment that she has received, and a copy of this Order. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Adkins, and any conditions, restrictions, or limitations that should be imposed on Dr. Adkins' 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 or restoration. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

5. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Adkins has not been engaged in the active practice of medicine and surgery for a period in excess of two year prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of her fitness to resume practice.
- E. **PROBATION:** Upon reinstatement or restoration, Dr. Adkins' certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Obey the Law and Other Regulatory Authorities' Orders:** Dr. Adkins shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which she is practicing; and all terms of any future orders issued by the regulatory authorities in other states or jurisdictions.
 2. **Continuation of Notification Requirements and Terms, Conditions, and Limitations from Suspension Period:** Dr. Adkins shall continue to be subject to the terms, conditions, and limitations specified in Paragraphs B and C of this Order.
 3. **Refrain from Commencing Practice in Ohio:** Dr. Adkins shall refrain from commencing practice in Ohio without prior written Board approval. Moreover, should Dr. Adkins commence practice in Ohio, the Board may impose additional probationary terms, conditions or limitations upon her certificate, including but not limited to the following:
 - a. **Drug & Alcohol Screens; Drug-testing Facility and Collection Site:** Dr. Adkins shall submit to random urine screenings for alcohol and drugs at least four times per month, or as otherwise directed by the Board.

Dr. Adkins shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug-testing panel used must be acceptable to the Secretary of the Board, and shall include Dr. Adkins' drug(s) of choice.

- Dr. Adkins shall submit, at her expense and on the day selected, urine specimens for alcohol and/or drug analysis. (The term “toxicology screen” is also used herein for “urine screen” and/or “drug screen.”)
- All specimens submitted by Dr. Adkins shall be negative, except for those substances prescribed, administered, or dispensed to her in conformance with the terms, conditions and limitations set forth in this Order.
- Refusal to submit a specimen, or failure to submit a specimen on the day she is selected or in the manner as the Board may request, shall constitute a violation of this Order.
- Dr. Adkins shall abstain from the use of any substance that may produce a positive result in a toxicology screen, including the consumption of poppy seeds or other food or liquid that may produce a positive result on a toxicology screen.
- Dr. Adkins shall be held to an understanding and knowledge that the consumption or use of various substances, including but not limited to mouthwashes, hand-cleaning gels, and cough syrups, may cause a positive toxicology screen, and that unintentional ingestion of a substance is not distinguishable from intentional ingestion on a toxicology screen, and that, therefore, consumption or use of substances that may produce a positive result in a toxicology screen is prohibited under this Order.
- All screenings for drugs and alcohol shall be conducted through a Board-approved drug-testing facility and a Board-approved collection site, except as provided in Paragraph D.3.b., below (“Alternative Drug-testing and/or Collection Site”). Further, the screening process shall require a daily call-in procedure.
- Within 30 days of the effective date of this Order, Dr. Adkins shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug-testing facility and/or collection site (“DFCS”) in order to facilitate the screening process in the manner required by this Order.

- Further, within 30 days of making such arrangements, Dr. Adkins shall provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Adkins and the Board-approved DFCS. Dr. Adkins' failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Order.
 - Dr. Adkins shall ensure that the urine-screening process performed through the Board-approved DFCS requires a daily call-in procedure; 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, Dr. Adkins and the Board-approved DFCS shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.
 - Dr. Adkins shall ensure that the Board-approved DFCS provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.
 - In the event that the Board-approved DFCS becomes unable or unwilling to serve as required by this Order, Dr. Adkins must immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph D.3.b., below, as soon as practicable. Dr. Adkins shall further ensure that the Board-approved DFCS also notifies the Board directly of its inability to continue to serve and the reasons therefor.
 - Dr. Adkins acknowledges that the Board expressly reserves the right to withdraw its approval of any DFCS in the event that the Secretary and Supervising Member of the Board determine that the DFCS has demonstrated a lack of cooperation in providing information to the Board or for any other reason.
- b. **Alternative Drug-testing Facility and/or Collection Site:** It is the intent of this Order that Dr. Adkins shall submit urine specimens to the Board-approved DFCS chosen by the Board. However, in the event that using the Board-approved DFCS creates an extraordinary hardship on Dr. Adkins, as determined in the sole discretion of the Board, then, subject to the following requirements, the Board may approve an alternative DFCS or a supervising physician to facilitate the urine-screening process for Dr. Adkins:

- Within 30 days of the date on which Dr. Adkins is notified of the Board's determination that utilizing the Board-approved DFCS constitutes an extraordinary hardship on Dr. Adkins, she shall submit to the Board in writing for its prior approval the identity of either an alternative DFCS or the name of a proposed supervising physician to whom Dr. Adkins shall submit the required urine specimens.
- In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Dr. Adkins' residence or employment location, or to a physician who practices in the same locale as Dr. Adkins. Dr. Adkins shall ensure that the urine-screening process performed through the alternative DFCS or through the supervising physician requires a daily call-in procedure; 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, Dr. Adkins acknowledges that the alternative DFCS or the supervising physician shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.
- Dr. Adkins shall ensure that the alternative DFCS or the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.
- In the event that the designated alternative DFCS or the supervising physician becomes unable or unwilling to so serve, Dr. Adkins must immediately notify the Board in writing. Dr. Adkins shall further ensure that the previously designated alternative DFCS or the supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor. Further, in the event that the approved alternative DFCS, or supervising physician becomes unable to serve, Dr. Adkins shall, in order to ensure that there will be no interruption in her urine-screening process, immediately commence urine screening at the Board-approved DFCS chosen by the Board, until such time, if any, that the Board approves a subsequent alternative DFCS or supervising physician, if requested by Dr. Adkins.
- The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Dr. Adkins' designated alternative DFCS or any person proposed to serve as her supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising

Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

- c. **Reports regarding Drug & Alcohol Screens:** All screening reports required under this Order from the Board-approved DFCS, the alternative DFCS and/or supervising physician must be received in the Board's offices no later than the due date for Dr. Adkins' quarterly declaration. It is Dr. Adkins' responsibility to ensure that reports are timely submitted.
- d. **Additional Screening without Prior Notice:** Upon the Board's request and without prior notice, Dr. Adkins must provide a specimen of her blood, breath, saliva, urine, and/or hair for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Adkins, or for any other purpose, at Dr. Adkins' expense. Dr. Adkins' refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.
- e. **Absence from Ohio:** Dr. Adkins 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.

Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Order for occasional periods of absence of fourteen days or less. In the event that Dr. Adkins resides and/or is employed at a location that is within 50 miles of the geographic border of Ohio and a contiguous state, Dr. Adkins may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Adkins is otherwise able to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

- f. **Log of Controlled Substances Prescribed:** Dr. Adkins shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, on the date upon which Dr. Adkins' quarterly declaration is due, or as otherwise directed by the Board. Further, Dr. Adkins shall make her patient records with regard to such prescribing available for review by an agent of the Board immediately upon request.

- g. **Administering, Furnishing or Possessing Controlled Substances:** Dr. Adkins shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph C.4, above) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Order to allow Dr. Adkins to administer or personally furnish controlled substances, Dr. Adkins 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 and shall be submitted to the Board no later than the date upon which Dr. Adkins' quarterly declaration is due, or as otherwise directed by the Board. Further, Dr. Adkins shall make her patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board immediately upon request.
- h. **Monitoring Physician:** Before engaging in any medical practice in Ohio, Dr. Adkins shall submit to the Board in writing 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. Adkins and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Adkins and her medical practice, and shall review Dr. Adkins' 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. Adkins and her medical practice, and on the review of Dr. Adkins' patient charts. Dr. Adkins 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. Adkins' quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Adkins must immediately so notify the Board in writing. In addition, Dr. Adkins shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Adkins 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.

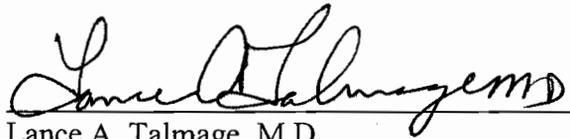
The Board expressly reserves the right to disapprove any person proposed to serve as Dr. Adkins' designated monitoring physician, or to withdraw approval of any person previously approved to serve as Dr. Adkins'

designated monitoring physician, in the event that the Secretary and Supervising Member of the Board determine that any such monitoring physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

4. **Modification of Terms**: Dr. Adkins shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year.
 5. **Tolling of Probationary Period while Out of Compliance**: In the event Dr. Adkins is found by the Secretary of the Board to have failed to comply with any provision of this Order, 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 Order.
 6. **Termination of Probation**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Adkins' certificate will be fully restored.
- F. **VIOLATION OF THE TERMS OF THIS ORDER**: If Dr. Adkins violates the terms of this Order in any respect, the Board, after giving her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.
- G. **SUPERSEDE BOARD'S MARCH 2007 ENTRY OF ORDER**: This Order shall supersede the terms and conditions set forth in the Board's March 2007 Entry of Order.

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

(SEAL)


Lance A. Talmage, M.D.
Secretary

July 9, 2008
Date

2008 JUN 13 P 2: 41

**REPORT AND RECOMMENDATION
IN THE MATTER OF PAULA CLARK ADKINS, M.D.**

The Matter of Paula Clark Adkins, M.D., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on February 6, 2008.

INTRODUCTION

Basis for Hearing

By letter dated July 11, 2007, the State Medical Board of Ohio [Board] notified Paula Clark Adkins, M.D., that it had proposed to take disciplinary action against her certificate to practice medicine and surgery in Ohio. The Board based its proposed action on several allegations:

- Dr. Adkins violated her June 2005 Step I Consent Agreement and the March 2007 Board Order when she intermittently used Tussionex between November 2006 and April 8, 2007.
- The North Carolina Medical Board issued an Order of Summary Suspension of License in December 2006 based in part on a November 2006 drug screen test that was positive for opiates. In an April 2007 Consent Order, the North Carolina Medical Board indefinitely suspended Dr. Adkins' license to practice medicine in North Carolina based on the November 2006 drug screen test and the fact that Dr. Adkins had obtained and filled prescriptions for hydrocodone in 2007.
- Dr. Adkins surrendered her license to practice medicine in West Virginia, which was memorialized in an April 2007 Memorandum by the West Virginia Board of Medicine.

The Board alleged that:

- (1) Dr. Adkins' acts, conduct and/or omissions constitute "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice" as set forth in Section 4731.22(B)(15), Ohio Revised Code.
- (2) Dr. Adkins' acts, conduct and/or omissions constitute "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" as set forth in Section 4731.22(B)(26), Ohio Revised Code.

- (3) The North Carolina Board's Order of Summary Suspension and Consent Order, and the West Virginia Board of Medicine's Memorandum constitute "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery * * * in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand" as set forth in Section 4731.22(B)(22), Ohio Revised Code.

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

By letter received by the Board on August 8, 2007, Kevin P. Byers, Esq., requested a hearing on behalf of Dr. Adkins. (State's Exhibit 1B)

Appearances at the Hearing

Nancy H. Rogers, Attorney General, by Karen A. Unver, Assistant Attorney General on behalf of the State of Ohio.

Dr. Adkins appeared on her own behalf.

EVIDENCE EXAMINED

Testimony Heard

Paula Clark Adkins, M.D.
Danielle Bickers

Exhibits Examined

A. Presented by the State

State's Exhibits 1A through 1M: Procedural exhibits. [State's Exhibit 1A was redacted in part to obscure the identities of parties in pending matters unrelated to this proceeding. Page three of State's Exhibit 1K was redacted in part post-hearing to obscure the identity of the named individual.]

State's Exhibit 2: June 2005 Step I Consent Agreement between the Board and Paula Clark Adkins, M.D.

State's Exhibit 3: March 14, 2007, Entry of Order of the Board in the prior *Matter of Paula Clark Adkins, M.D.*

State's Exhibit 4: Certified copy of the April 26, 2007 Memorandum of the West Virginia Board of Medicine regarding Dr. Adkins' surrender of her medical license in that state.

State's Exhibit 5: Certified copies of three documents maintained by the North Carolina Medical Board regarding Dr. Adkins: (a) December 21, 2006 Order of Summary Suspension of License; (b) December 21, 2006 Notice of Charges and Allegations/ Notice of Hearing; and (c) April 18, 2007 Consent Order. [The pages of this exhibit were numbered after the hearing.]

State's Exhibit 6: Board's First Set of Interrogatories and Dr. Adkins' June 2007 responses. [The pages of this exhibit were numbered after the hearing.]

State's Exhibit 7: Certified copies of drug screen laboratory results for Dr. Adkins' urine specimen provided on November 28 and December 29, 2006.

State's Exhibit 8: Certified copy of two pharmacies prescription records for Dr. Adkins from October 28, 2005, through April 27, 2007.

B. Presented by the Respondent

Respondent's Exhibit A: January 17, 2007 letter from the medical director of the Williamsburg Place and The William J. Farley Center. [Admitted under seal.]

Respondent's Exhibit B: The discharge summary, aftercare contract, and history/physical evaluation report from Dr. Adkins' inpatient treatment at The William J. Farley Center. [Admitted under seal and redacted in part to obscure a Social Security number.]

Respondent's Exhibit C: July 30, 2007 report of a psychiatric evaluation of Dr. Adkins. [Admitted under seal.]

Respondent's Exhibit D: Dr. Adkins' August 2007 to January 2008 post-treatment, self-reporting forms. [Admitted under seal and redacted in part to obscure a Social Security number.]

Respondent's Exhibit E: Fifteen drug screen laboratory results for Dr. Adkins' urine specimens provided from August 14, 2007 through January 9, 2008.

Respondent's Exhibit F: January 15, 2008 letter from Dr. Adkins' psychiatrist, Mary T. Mandell, M.D. [Admitted under seal.]

Respondent's Exhibit G: January 18, 2008, letter from Dr. Adkins' primary care physician, Roger D. Waddell, M.D.

Respondent's Exhibits H through J: Three January 2008 letters of support from participants in Dr. Adkins' recovery program. [Redacted in part to obscure the participants' identities.]

Respondent's Exhibit K: January 21, 2008 letter of support from Margaret N. Graves, LCSW, LCAS. [Admitted under seal.]

SUMMARY OF THE EVIDENCE

All exhibits and the transcript, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Additional details of the background, criminal convictions, history of early substance abuse/chemical dependency, and initial treatments of Paula Clark Adkins, M.D., are set forth in the Report and Recommendation filed on December 15, 2006, in the previous Board matter involving Dr. Adkins, *In the Matter of Paula Clark Adkins, M.D. [Adkins I]*, which was initiated by notice of opportunity for hearing dated May 10, 2006. (State's Exhibit 1A at 23-45) However, a summary of that information is set forth below.

Dr. Adkins' Background and Medical Licenses

1. Dr. Adkins received her bachelor's degree in chemistry from West Virginia State University, and her medical degree from the Marshall University School of Medicine in West Virginia. She stated that she also had completed two years of postgraduate schooling as a Ph.D. candidate. She completed a three-year emergency medicine residency at Akron City Hospital in 1999, during which time she obtained an Ohio certificate. (Hearing Transcript [Tr.] at 14-15)
2. Dr. Adkins testified that her current occupation is as an emergency room physician, but she is currently unemployed. She stated that she last worked as an emergency room physician on or about December 20, 2006. (Tr. at 12, 15)
3. In addition to her Ohio certificate, Dr. Adkins testified that she previously has held medical licenses in Kentucky, North Carolina, and West Virginia. She testified that she "let go" of her Kentucky license and has not sought to reactivate it. Her North Carolina license is currently indefinitely suspended, and her West Virginia license is surrendered. Her Ohio certificate is presently subject to probationary terms, conditions and limitations. (Tr. at 13, 17-18; State's Exhibit [St. Ex.] 1A at 34; St. Ex. 3; St. Ex. 4; St. Ex. 5 at 17)

Dr. Adkins' Consumption of Tussionex and Criminal Convictions in North Carolina, 2003 to 2004

4. Dr. Adkins testified that, while living in North Carolina, she had used and abused Tussionex from late 2003 to June 2004. Tussionex is a cough suppressant that contains hydrocodone, a

narcotic. She stated that she was abstinent for a period of time, beginning July 2004. (Tr. at 16, 21)

5. In September 2004, Dr. Adkins pleaded guilty to nine misdemeanor forgery counts in North Carolina stemming from prescriptions for Tussionex that she had written in the name of her neighbor, but obtained for self use. Dr. Adkins received a suspended prison sentence and two years of probation. Additionally, Dr. Adkins was required to participate in substance abuse treatment. (Tr. at 15; St. Ex. 1A at 25)

Actions by the North Carolina Medical Board and the West Virginia Board of Medicine, September 2004 to May 2006

6. The 2004 criminal action in North Carolina prompted a series of actions by the North Carolina Medical Board [North Carolina Board] and the West Virginia Board of Medicine [West Virginia Board].¹ Dr. Adkins surrendered her medical license in North Carolina in September 2004. In August 2005, her North Carolina license was reinstated with restrictions and obligations, including but not limited to, Dr. Adkins' refraining from the future use of mind or mood-altering substances and also submitting to random drug screenings. Also, Dr. Adkins entered into a treatment plan and monitoring agreement with the North Carolina Physicians Health Program [NCPHP], which also included random drug screens. [St. Ex. 1A at 26; St. Ex. 5 at 5-7]
7. Dr. Adkins' West Virginia medical license was deactivated in May 2005 and reactivated in May 2006, subject to terms and conditions also requiring that Dr. Adkins refrain from the future use of mind or mood-altering substances and submit to random drug screenings. [St. Ex. 1A at 34-35]

Actions by the Ohio Board, June 2005 to March 2007

8. On June 8, 2005, Dr. Adkins entered into a Step I Consent Agreement [Step I Agreement] with this Board, in lieu of formal proceedings in Ohio. This agreement suspended Dr. Adkins' Ohio certificate for an indefinite period of time not less than 180 days, established terms and conditions for suspension, and also established conditions for reinstatement of her Ohio certificate. Among the terms contained in the Step I Agreement was paragraph 3, which states: "Dr. Adkins 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. Adkins' psychiatric history and history of substance abuse." (St. Ex. 2)

¹The record does not contain much information regarding the administrative action taken by the Kentucky Board of Medical Licensure [Kentucky Board]. However, a document issued in December 2006 by the North Carolina Board indicates that, in August 2005, the Kentucky Board denied Dr. Adkins' application for licensure following evaluation by the Kentucky Physician Health Foundation. (St. Ex. 5 at 6) Dr. Adkins stated in the instant hearing that there was no licensure denial by the Kentucky Board; rather, she had held a Kentucky license and had surrendered it and let it go. (Tr. at 17-18, 90)

9. In December 2005, Dr. Adkins applied for reinstatement of her Ohio certificate. (St. Ex. 1A at 34)
10. While considering the application for reinstatement, the Ohio Board issued a notice of opportunity for hearing on May 10, 2006 in *Adkins I*. The Board stated that it had proposed to take disciplinary action based on allegations that: (a) Dr. Adkins had violated terms of the Step I Agreement; (b) Dr. Adkins had made false statements in response to Board interrogatories and had failed to make full disclosures as required during a Board-ordered impairment evaluation; (c) she was impaired in her ability to practice; and (d) the West Virginia Board of Medicine had taken action against Dr. Adkins' license to practice based on chemical dependency and impairment. The Board also alleged that Dr. Adkins had not met the requirements for granting her request to reinstate her Ohio certificate. (St. Ex. 1A at 23)
11. On March 14, 2007, the Board issued an Entry of Order [March 2007 Order]. The Board granted Dr. Adkins' application for reinstatement, reprimanded Dr. Adkins, and placed her Ohio certificate on probation, subject to a variety of terms. Those probationary terms include: compliance with the terms of her Consent Order with the North Carolina Board; submission of quarterly compliance reports to the Board; personal appearances before the Board; random urine screenings for drugs and alcohol; participation in alcohol and drug rehabilitation programs; participation in an aftercare program; reporting requirements; and Board approval prior to commencing practice in Ohio. Additionally, paragraph seven of the March 2007 Order states: "Dr. Adkins shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of Dr. Adkins' history of chemical dependency." (St. Ex. 3)²

Dr. Adkins' Relapse on Tussionex and Actions taken by the North Carolina Medical Board, November 2006 to April 2007

12. Dr. Adkins testified that, prior to the issuance of the Board's March 2007 Order, she had relapsed. She admitted to consuming Tussionex for three days in November 2006. Dr. Adkins testified that, at that time, she had been sick with an upper respiratory infection, and had been coughing continuously for two weeks.³ She stated that she saw a physician, told him she was ill and, among other things, received a prescription for Tussionex. She consumed the Tussionex and, on November 20, 2006, provided a urine specimen for screening by the NCPHP. That urine specimen tested positive for hydrocodone. (Tr. at 21, 34-35; St. Ex. 7; St. Ex. 6 at 14)

²Administrative notice is taken that the Board's March 2007 Order was mailed to Dr. Adkins on March 16, 2007, and became effective on that same date.

³Dr. Adkins also explained that she has suffered from coughs for a long time and had explored a number of causes and tried a number of medications to eliminate the coughs. In particular, she testified that she has tried without success some non-hydrocodone medications, such as Tessalon Perles and an albuterol inhaler. She also had been tested for asthma, which had been negative. She stated that she has tried, more recently, a new inhaler called Symbicort, which contains steroids and beta agonists. That medication worked and confirmed that she has suffered from a variant type of asthma. (Tr. at 36)

13. As a result of that positive drug screen, her prior diagnoses, criminal history, and history of substance abuse, the North Carolina Board issued an Order of Summary Suspension of License on December 21, 2006. At that same time, the North Carolina Board issued charges and allegations against Dr. Adkins. (St. Ex. 5 at 1-12)
14. Dr. Adkins also consumed Tussionex from the end of January 2007 until April 8, 2007. Dr. Adkins explained that, in early 2007, she had still been in “relapse mode” from November 2006, and, with the loss of her North Carolina license, she had the “same addict thinking,” which was “I’m not working, to hell with it.” Dr. Adkins saw different physicians at different urgent care centers and obtained several prescriptions for Tussionex. She filled the prescriptions in North Carolina, South Carolina and Ohio, and possibly West Virginia. She testified that she had gone to urgent care centers because it is too difficult to get an appointment with a primary care physician. Also, Dr. Adkins stated that she had been able to get a prescription for Tussionex because she repeatedly provided the physicians with the same symptom – cough. (Tr. at 28-29, 35, 100; St. Ex. 6 at 8-11; St. Ex. 8)
15. In particular, the record reflects that, on April 3 and 5, 2007, Dr. Adkins filled prescriptions for herself of Tussionex for a six-day supply and an 18-day supply at a Wal-Mart pharmacy located in South Point, Ohio. Dr. Adkins testified that, after she had filled those prescriptions, she had consumed large amounts of Tussionex. Dr. Adkins also stated that her last day of using the drug was April 8, 2007, even though those supplies could have lasted beyond April 8, 2007. (Tr. at 29-30; St. Ex. 8 at 2)
16. On April 18, 2007, Dr. Adkins and the North Carolina Board entered into a Consent Order. In that document, Dr. Adkins admitted the following:
 - On November 20, 2006, Dr. Adkins submitted to a urine drug screen to a [North Carolina] Board investigator after she got off work from a Hospital Emergency Department.
 - On December 4, 2006, Dr. Adkins was confronted with the results of the drug screen. She offered an explanation that she may have inadvertently taken Tussionex®. Dr. Adkins further explained that she was visiting her family in West Virginia and self-treated an ailment with Paregoric, also known as camphorated opium tincture, a schedule III narcotic. According to Dr. Adkins, the Paregoric was prescribed to her sometime in 1998 or 1999 and was left over in the home in 2004. Furthermore, Dr. Adkins stated she was abusing Tussionex® between January and June 2004 and would pour Tussionex® into liquid bottles to discard the Tussionex® bottles and conceal the drug. Dr. Adkins stated that she must have poured the Tussionex® into the Paregoric bottle sometime between January and June 2004, and that her drinking recently from that same bottle for her ailment might explain the positive test for opiates and hydrocodone.

- Dr. Adkins stated she had no independent recollection of pouring Tussionex® into the Paregoric bottle, and she could not produce the bottle for testing because she had informed her mother-in-law to get rid of all medications from that house.
- Dr. Adkins reports that, other than the November 20, 2006 urine sample which tested positive, all other weekly urine drug screens were negative and Dr. Adkins further reports that she obtained a separate drug screen of the November 20, 2006 urine specimen and that result was negative.
- Dr. Adkins in interrogatories and discovery further indicated that she has not knowingly ingested hydrocodone since signing her August 25, 2006 Consent Order.
- The [North Carolina] Board subsequently learned that Dr. Adkins obtained and filled prescriptions for hydrocodone from several health care providers located in Ohio, South Carolina and North Carolina.
- Some of these prescriptions were filled in January, February and March of 2007 after the [North Carolina] Board summarily suspended Dr. Adkins' medical license and after Dr. Adkins challenged that action in Wake County Superior Court.

(St. Ex. 5 at 14-17) As a result of that Consent Order, Dr. Adkins' North Carolina medical license was indefinitely suspended. It remained indefinitely suspended at the time of the February 2008 hearing in the instant matter. (St. Ex. 5 at 17; Tr. at 13, 18)

17. Additionally, Dr. Adkins does not dispute also filling a Tussionex prescription for herself on April 27, 2007, at a pharmacy in South Carolina, roughly 30 miles away from where Dr. Adkins lives. Although that prescription was for an 18-day supply, Dr. Adkins maintains that her last use of Tussionex was April 8, 2007. (Tr. at 31, 88; St. Ex. 8 at 3)
18. Dr. Adkins acknowledged that she did not advise the Board of her relapse prior to the issuance of the Board's March 2007 Board Order. However, she had advised her former Ohio attorney of her relapse, and she believed that he had advised the Board of her relapse sometime after issuance of the Board's March 2007 Order. (Tr. at 22, 24)

Danielle Bickers, the Board's Compliance Supervisor, corroborated Dr. Adkins' statement that her former attorney advised the Board of Dr. Adkins' relapse. Ms. Bickers stated that, within a month or two following issuance of the March 2007 Order, Dr. Adkins' former attorney, Kevin Byers of Columbus, Ohio, orally reported to her that Dr. Adkins had relapsed. Ms. Bickers stated that she had asked Mr. Byers to submit that information to the Board in writing, but she does not recall the Board receiving anything in writing. (Tr. at 44, 52-53, 65)

Action Taken by the West Virginia Board, April 2007

19. Dr. Adkins explained that she had informed the West Virginia Board about her relapse. She elected to surrender her West Virginia medical license, which was effective on April 23, 2007. The West Virginia Board memorialized that surrender in a Memorandum dated April 26, 2007. (Tr. at 39-40; St. Ex. 4)

Dr. Adkins' Treatment at William J. Farley Center in Virginia, May - August 2007, and Her Recovery Status

20. Dr. Adkins entered an inpatient drug treatment program at the William J. Farley Center at Williamsburg Place in Williamsburg, Virginia [Farley Center] on May 7, 2007. The medical director at the Farley Center, Omar Manejwala, M.D., described the program in a January 2007 letter. The State did not have the opportunity to question this physician. Dr. Manejwala stated:

This is an intensive program directed toward treatment of addictive disorders and other complicating co-morbidities. This program specializes in relapse prevention as well and offers the participants the greatest possible prognosis.

The extended program offers a full treatment day from 8:30AM to 3:30PM with multiple addiction treatment commitments each evening. The length of stay is a minimum of eight weeks and a maximum of twelve weeks with aftercare plans considered at discharge. The program includes Group Psychotherapy six times a week, Didactic Treatment four times a week, Art Therapy and Pharmacological Management [o]nce a week for each, Recreational Therapy one time a week and Relapse Pain Group meeting once a week.

(Resp. Ex. A)

21. Ms. Bickers testified that the Farley Center had previously been recognized as a Board-approved treatment provider in the late 1990s, but that facility was not a Board-approved provider at the time of Dr. Adkins' 2007 attendance there. (Tr. at 55)
22. Dr. Adkins testified that she was advised to enter the Farley Center by the NCPHP. She stated that she successfully completed the 90-day treatment program and was discharged on August 2, 2007. She noted that, while at the Farley Center, she had met daily with a "top" national relapse prevention specialist. Additionally, Dr. Adkins was involved in the "relapse track," which places emphasis on the identification and management of high risk situations and relapse warning signs. Moreover, Dr. Adkins' condition of chronic coughing was interpreted, along with the "high levels of anxiety it produced in Dr. Adkins," as the likely presence of Undifferentiated Somatoform Disorder. Dr. Adkins' discharge summary states that Dr. Adkins had shown a positive response to treatment and that "she was free from any symptoms which would preclude her from effective management of any area of her life."

The discharge summary further indicated that Dr. Adkins may return to work no sooner than four to six months with no exposure to intoxicants, with the actual return-to-work date to be determined by outpatient treatment providers. (Tr. at 68-69, 80; Resp. Ex. A; Resp. Ex. B at 2-4)

Additionally, Dr. Adkins was evaluated psychologically by Terence Tierney, Ph.D. He indicated in his report that, “[c]ognitively, [Dr. Adkins] should be able to resume her medical career upon completion of treatment.” (Resp. Ex. C)

23. Dr. Adkins executed an aftercare agreement with the Farley Center, which at the time of the hearing in this matter, was the only contract she had in place for purposes of recovery. For a two-year period expiring August 2009, that agreement requires random drug screening, recovery group meetings, and monthly self-reports. Dr. Adkins also attends counseling sessions. She noted that she anticipates entering into a five-year agreement with the NCPHP in April 2008 and had been proactively complying with the anticipated terms of such a treatment plan and monitoring agreement with the NCPHP. Furthermore, Dr. Adkins stated that she is attempting to comply with those terms and conditions in the hopes of getting her North Carolina medical license reinstated. (Tr. at 18, 41-42, 71-72, 68, 81, 91; Resp. Ex. B, at 5-7; Resp. Ex. K)
24. Dr. Adkins testified that, since her discharge from the Farley Center, she has been working very hard and seriously at recovery and has been strictly complying with “everything” she is to do for the Farley Center and the NCPHP. In support of this contention, she submitted the September 2007 to February 2008 reports that she had submitted to the Farley Center in compliance with her aftercare agreement with that facility. She further submitted her drug and alcohol screening results from August 14, 2007, until January 7, 2008, which have all been negative. Dr. Adkins explained that the testing conducted on her urine specimens is the “health care professional panel,” a more comprehensive level of testing that includes more than the typical or standard drug screen. (Tr. at 71, 72-73, 79, 92; Resp. Exs. D, E)
25. Additionally, Dr. Adkins has now identified a warning sign that she had not recognized prior to her relapse – when she begins have a “negative view on everything.” Dr. Adkins pointed out that she has now learned ways of coping so that she does not “spiral downward.” (Tr. at 86-87, 89)
26. Dr. Adkins explained how she believes she has changed since receiving treatment at the Farley Center:

Well, first of all, the difference in me is phenomenal. I was still in denial in the past, you know, especially when I was at Bradford in Alabama. I still was not admitting that I was an addict. That is the most of it.

And, secondly, the Farley Center is in the top three in the country of treatment programs. Their relapse success rate among professionals completing a 90-day program approaches 95, 96 percent at five years out.

And I just have embraced recovery. You know, I'm an addict. It's a horrible disease. I take my recovery very seriously. I understand that anything I put in front of my recovery I'm going to lose. I do what I need to do for me and have regained my spirituality, and I'm just – have been able to take a look at me and I'm in a completely different place. I'm actually in recovery instead of just being abstinent and trying to skirt this and skirt that. It's just going through things the right way and doing the next right thing. If you don't know what to do, just do the next right thing.

And it's just – it's just amazing. Life is good, and I don't think I was – I know I was just never there before. I was just being abstinent, just not using. And now this is an actual program of recovery. My family is very involved in it, including my children.

(Tr. at 92-93)

27. Dr. Adkins stated that she is on step 6 of her 12-step recovery, and cannot currently estimate when she will complete full recovery. Dr. Adkins noted that she, her psychiatrist, her counselor and her sponsor feel that she is at the point where she can return to work. Also, Dr. Adkins noted that her psychiatrist, primary care physician and counselor are all in contact with one another so that “they’re all on the same page.” (Tr. at 85-86, 95)
28. Dr. Adkins submitted letters from her psychiatrist, Mary T. Mandell, M.D., and her primary care physician, Roger D. Waddell, M.D. The State did not have the opportunity to question these physicians. Both physicians report that Dr. Adkins is compliant with her treatment, has been abstinent from drugs and alcohol, and has been regularly attending AA meetings. Her psychiatrist further stated that, “[a]s long as Dr. Adkins maintains an active recovery program, I am confident in her ability to practice medicine.” Her primary care physician confirmed Dr. Adkins’ history for recurrent severe cough, and stated that a recent respiratory infection was resolved with an inhaled bronchodilator/steroid combination and that the infection did not trigger severe coughing. Additionally, he noted that the condition has proven to pose a relapse hazard and, as a result, Dr. Adkins has a “detailed written relapse prevention plan in place specifically related to any recurrence. (Tr. at 41-43, 74-75; Resp. Exs. F, G)
29. Dr. Adkins also submitted a letter from her counselor, Margaret N. Graves, LCWS, LCAS. The State did not have the opportunity to question Ms. Graves. She stated that Dr. Adkins has been working on “early recovery and relapse prevention issues and appears to be in good recovery.” (Resp. Ex. K)

Dr. Adkins’ Admissions

30. Dr. Adkins admitted at the hearing to suffering from the disease of addiction. She stated that, until recently, she was never in true recovery; instead, she had been in denial and only abstained. (Tr. at 27-28, 68, 79)

31. In June 2007, Dr. Adkins completed written interrogatories sent by the Board. In those interrogatory responses, Dr. Adkins admitted to having a physician not familiar with her history of chemical dependence prescribe, dispense or administer drugs to her: (a) between the effective date of the Step I Agreement and the effective date of the Board's March 2007 Order; and (b) after the effective date of Board's March 2007 Order. She admitted to receiving approximately six prescriptions for Tussionex after seeing physicians, mostly at urgent care centers in Ohio, North Carolina and South Carolina. She also admitted to using the medication intermittently, and ending on April 8, 2007. (Tr. at 32; St. Ex. 6)
32. Dr. Adkins admitted that her sole goal in seeing the urgent care physicians in 2007 was to obtain a prescription for Tussionex. She further admitted that none of these physicians had full knowledge of her chemical dependency or addiction. (Tr. at 97-98)
33. Dr. Adkins admitted that she violated the Step I agreement. Additionally, she stated that she had not been in a position mentally to comply with terms of the March 2007 Order. She stated that she had been aware that the Board's March 2007 Order required her to abstain completely from drugs, and that she had not been in compliance with the March 2007 Order. (Tr. at 22, 27-28)⁴
34. Additionally, Dr. Adkins admitted that, out of fear, she had lied to the North Carolina Board after the November 2006 positive drug screen. (Tr. at 38-39)

Dr. Adkins' Career Plans

35. Dr. Adkins stated that her immediate career plans are to have her medical license reinstated in North Carolina, and return to work. Dr. Adkins pointed out that a group of emergency medicine physicians with whom she had worked with previously has indicated that they would like her to rejoin them, but she is not sure if she would like to do that. She also stated at the hearing that she is also working on getting her West Virginia medical license reinstated and she would like to get her Kentucky medical license back as well. She testified that she has no current intentions on moving to Ohio to practice medicine. (Tr. at 18, 43, 90, 96-97)
36. Dr. Adkins also explained that she seeks to keep her North Carolina, Ohio, and West Virginia medical licenses current and in good standing in order to maintain her current American Board of Emergency Medicine certification. She noted that, if the American Board of Emergency Medicine is not satisfied with the status of her state medical licenses, it could revoke or

⁴Ms. Bickers also testified that Dr. Adkins did not comply with paragraph 6 of the Consent Agreement, which required her to submit quarterly declarations of compliance to the Board. Bickers stated that Dr. Adkins did not submit any declarations of compliance after March 2006. Ms. Bickers further testified that the March 2007 Board Order also required that Dr. Adkins submit quarterly declarations of compliance to the Board, and that the Board never received any such declarations from Dr. Adkins after the Order was issued. (Tr. at 46-47, 51) However, the July 11, 2007 notice of opportunity for hearing does not allege that Dr. Adkins failed to submit al quarterly declarations of compliance in accordance with the Step I Agreement or the Board's March 2007 Order. Therefore, this omission on Dr. Adkins' part is *not* an issue in this matter.

suspend her board-certification, which will cause her to lose a prerequisite for employment in her field. (Tr. at 26, 42-43, 96)

Letters of Support

37. Dr. Adkins presented three letters of support from fellow participants in Alcoholics Anonymous, including her sponsor. The State did not have the opportunity to cross-examine the authors of those letters. All three authors indicate that Dr. Adkins is doing extremely well in her recovery progress. One noted that she has a positive attitude, and another noted that her sense of humor is helping her to deal with everyday experiences. (Resp. Exs. H, I, J)

FINDINGS OF FACT

1. Paula Clark Adkins, M.D., entered into a Step I Consent Agreement with the Board in lieu of formal proceedings, effective June 8, 2005. The Step I Consent Agreement was based upon Dr. Adkins' violation of Sections 4731.22(B)(10), (19), and (22), Ohio Revised Code.⁵ The Step I Consent Agreement suspended Dr. Adkins' Ohio certificate for an indefinite period of time but not less than 180 days. Additionally, the Step I Consent Agreement set forth conditions that Dr. Adkins was required to meet while her certificate was suspended, and conditions that Dr. Adkins was required to satisfy before the Board would consider reinstating her certificate.

2. In December 2005, Dr. Adkins requested reinstatement of her Ohio certificate.

In response to Dr. Adkins' request for reinstatement of her certificate to practice medicine in Ohio, the Board issued a Notice of Opportunity for Hearing on May 10, 2006. The Board alleged that Dr. Adkins had violated Sections 4731.22(B)(5), (10), (15), (22), and (26), Ohio Revised Code. On March 14, 2007, the Board issued an Entry of Order [March 2007 Board Order], which reinstated Dr. Adkins' certificate, reprimanded her, and imposed probationary terms, conditions and limitations for a period of at least four years.

3. Dr. Adkins was subject to all terms, conditions and limitations of the Step I Consent Agreement until March 16, 2007, the effective date of the March 2007 Board Order, which then superseded the terms, conditions and limitations of the Step I Consent Agreement. The March 2007 Board Order remains in effect.
4. Paragraph 3 of the Step I Consent Agreement provided that Dr. Adkins shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to Dr. Adkins by another so authorized by law who has full knowledge of Dr. Adkins' psychiatric history and history of substance abuse.

⁵The violation of Section 4731.22(B)(10), Ohio Revised Code, was based upon acts that constitute two felonies: deception to obtain a dangerous drug, Section 2925.22, Ohio Revised Code; and illegal processing of drug documents, Section 2925.23, Ohio Revised Code.

Despite that requirement, Dr. Adkins failed to abstain completely from the personal use or possession of opiates and/or other drugs that were not prescribed, dispensed or administered to her by another so authorized by law who had full knowledge of her history of substance abuse. Dr. Adkins stated in her June 2007 responses to the Board's interrogatories that, from November 2006 to March 31, 2007, she had obtained approximately six prescriptions for Tussionex from physicians who did not have full knowledge of Dr. Adkins' history of chemical dependency, and she intermittently used Tussionex from November 2006 until April 8, 2007.

In the spring 2007, Dr. Adkins' attorney reported to the Board that she had relapsed. In Dr. Adkins' June 2007 responses to the Board's interrogatories, she indicated that, on May 7, 2007, she had entered inpatient treatment at a facility in Virginia.

5. Paragraph 7 of the March 2007 Board Order provides that Dr. Adkins shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of Dr. Adkins' history of chemical dependency.

Despite that requirement, Dr. Adkins failed to abstain completely from the personal use or possession of opiates and/or other drugs, which were not prescribed, dispensed or administered to her by another so authorized by law who had full knowledge of her history of chemical dependency. Dr. Adkins stated in her June 2007 responses to the Board's interrogatories that, on or about March 31, 2007, she had obtained a prescription for Tussionex from a physician who did not have full knowledge of Dr. Adkins' history of chemical dependency, and she intermittently used Tussionex until April 8, 2007.

6. On December 21, 2006, the North Carolina Medical Board issued an Order of Summary Suspension of License, which was based in part on information that a drug screen that Dr. Adkins had provided on November 20, 2006, was positive for opiates.
7. On April 18, 2007, Dr. Adkins entered into a Consent Order with the North Carolina Medical Board, which indefinitely suspended her license to practice medicine in North Carolina. This Consent Order was based in part on findings that a drug screen that she had submitted to the North Carolina Medical Board on November 20, 2006, was positive for opiates, and that the North Carolina Medical Board had learned that she had obtained and had filled prescriptions for hydrocodone from several health care providers, and that some of the prescriptions were filled in January, February and March 2007.
8. Effective April 23, 2007, Dr. Adkins surrendered her license to practice medicine in West Virginia, as documented in an April 26, 2007 Memorandum issued by the West Virginia Board of Medicine.

CONCLUSIONS OF LAW

1. The acts, conduct and/or omissions of Paula Clark Adkins, M.D., individually and/or collectively, as set forth in Findings 1 through 5, constitute a “[v]iolation of the conditions of limitation placed by the board on a certificate to practice” as set forth in Section 4731.22(B)(15), Ohio Revised Code.
2. Dr. Adkins’ acts, conduct and/or omissions, individually and/or collectively, as set forth in Findings 1, 2, and 4 through 7, 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 set forth in Section 4731.22(B)(26), Ohio Revised Code.
3. The North Carolina Medical Board’s December 21, 2006 Order of Summary Suspension of License and its April 18, 2007 Consent Order, individually and/or collectively, as set forth in Findings of Fact 6 and 7, constitute “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that language is used in Section 4731.22(B)(22), Ohio Revised Code.
4. The West Virginia Board of Medicine’s April 26, 2007 Memorandum as set forth in Finding of Fact 8 constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that language is used in Section 4731.22(B)(22), Ohio Revised Code.

* * * * *

First, it is important to note that the Board’s prior actions involving Dr. Adkins were not based on a relapse. Dr. Adkins’ Step I Consent Agreement was based on her inability to practice due to mental or physical illness, her criminal convictions, and action by another state licensing authority. The notice of opportunity for hearing in *Adkins I* alleged: (a) violations of Dr. Adkins’ Step I Consent Agreement for failure to comply with terms other than the sobriety-related terms; (b) false statements and failure to make full disclosures; (c) impairment; and (d) action by another state licensing authority. The instant matter, however, is based in part on a relapse and Dr. Adkins’ consumption of Tussionex in November 2006 was her first relapse. Additionally, the Hearing

Examiner considers Dr. Adkins' subsequent consumption of Tussionex in January through April 8, 2007, to be a continuation of the November relapse.

Second, Dr. Adkins' addictive behavior during her relapse is certainly serious. She told lies to the North Carolina Medical Board after her positive drug screen in November 2006, she turned to Tussionex soon after the North Carolina Medical Board summarily suspended her medical license, she chose different urgent care centers and pharmacies in multiple states to obtain Tussionex, and she turned to Tussionex by filling a prescription nine days after entering into April 2007 Consent Order with the North Carolina Medical Board, which had indefinitely suspended her North Carolina medical license.

Third, Dr. Adkins has successfully completed 90 days at an inpatient treatment program recommended by the NCPHP. Moreover, that program specializes in relapse prevention. Dr. Adkins testified at the February 2008 hearing in this matter that, in the past, she had not really been in recovery or admitted she is an addict; she was "[j]ust being abstinent." Dr. Adkins stated that, in contrast, she is now "in a completely different place," which is "actually being in recovery." Having observed Dr. Adkins during both the hearing in September 2006 and the hearing in February 2008, this Hearing Examiner agrees and notes that the difference in Dr. Adkins' commitment to recovery is quite remarkable. Previously, Dr. Adkins was "talking the talk," but she appears now to be "walking the walk." She is much more self aware, committed, and frank about herself and her recovery. Also, Dr. Adkins is emotionally invested and engaged in the recovery process. Given this significant step in her recovery following Dr. Adkins' first relapse, it appears appropriate to provide her with the opportunity to retain the privilege to practice medicine and surgery in Ohio under strict and carefully crafted terms, conditions and limitations.

PROPOSED ORDER

It is hereby ORDERED, that:

- A. **REVOCATION, STAYED; SUSPENSION:** The certificate of Paula Clark Adkins, M.D., to practice medicine and surgery in the State of Ohio, shall be REVOKED. Such revocation is STAYED and Dr. Adkins' certificate shall be SUSPENDED for an indefinite period of time, but not less than 180 days.
- B. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**
 1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Adkins shall provide a copy of this Order to all employers or entities with which she is under contract to provide health care services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or health-care center where she has privileges or appointments. Further, Dr. Adkins shall promptly provide a copy of this Order to all employers or entities with which she contracts to provide health care services (including but not limited to third-

party payors), or entities to which Dr. Adkins applies for or receives training, and the Chief of Staff at each hospital or health-care center where she applies for or obtains privileges or appointments. This requirement shall continue until Dr. Adkins receives from the Board written notification of the successful completion of the probation.

In the event that Dr. Adkins provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, she shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services. This requirement shall continue until Dr. Adkins receives from the Board written notification of the successful completion of the probation.

Further, Dr. Adkins shall provide the Board with one of the following documents as proof of each required notification within 30 days of the date of each notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Adkins shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which she currently holds any license or certificate. Also, Dr. Adkins shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which she applies for any professional license or reinstatement/restoration of any professional license.

Further, Dr. Adkins shall provide this Board with one of the following documents as proof of each required notification within 30 days of the date of each such notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

3. **Required Reporting to Those Providing Chemical Dependency Treatment or Monitoring:** Dr. Adkins shall promptly provide a copy of this Order to all persons and entities that provide Dr. Adkins chemical dependency treatment or monitoring. Further, Dr. Adkins shall provide the Board with one of the following documents as proof of

each required notification within 30 days of the date of each such notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed. This requirement shall continue until Dr. Adkins receives from the Board written notification of the successful completion of the probation.

4. **Required Reporting of Change of Addresses:** Dr. Adkins shall notify the Board in writing of any change of principal practice address or residence address within 30 days of such change.

C. **INTERIM MONITORING:** During the period in which Dr. Adkins' certificate to practice medicine and surgery in Ohio is suspended, Dr. Adkins shall comply with the following terms, conditions, and limitations:

1. **Obey the Law and Other Regulatory Authorities' Orders:** Dr. Adkins shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which she is practicing; and all terms of any future orders issued by the regulatory authorities in other states or jurisdictions.
2. **Quarterly Appearances:** Dr. Adkins 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 Order. 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.
3. **Quarterly Declarations:** Dr. Adkins 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 Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
4. **Sobriety:**
 - a. **Abstention from Drugs:** Dr. Adkins shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of Dr. Adkins' history of chemical dependency. Further, in the event that Dr. Adkins is so prescribed,

dispensed or administered any controlled substance (including Tussionex or another form of hydrocodone), carisoprodol, or tramadol, Dr. Adkins shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Dr. Adkins received; the medical purpose for which she received the drug; the date the drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within 30 days of the date the drug is so prescribed, dispensed, or administered to her, Dr. Adkins shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

- b. **Abstinence from Alcohol:** Dr. Adkins shall abstain completely from the use of alcohol.

5. **Comply with the Terms of Aftercare Contract and Recovery Contract:** Dr. Adkins shall comply with the aftercare contract entered into with the William J. Farley Center and any recovery contract she has entered or may enter into with the North Carolina Physicians Health Program while in effect, provided that, where terms of the aftercare and/or recovery contracts conflict with terms of this Order, the terms of this Order shall control. Moreover, Dr. Adkins shall submit copies to the Board of any reports that she submits to the William J. Farley Center, the North Carolina Physicians Health Program, and/or the North Carolina Medical Board.

Dr. Adkins shall submit declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the terms, conditions and limitations imposed by the aftercare and recovery contracts entered into with the William J. Farley Center and the North Carolina Physicians Health Program while in effect. Dr. Adkins shall ensure that these quarterly declarations are received in the Board's offices no later than the due date for Dr. Adkins' quarterly declarations identified in paragraph C.3, above.

6. **Rehabilitation Program:** Dr. Adkins 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, unless otherwise determined by the Board. Substitution of any other specific program must receive prior Board approval. Dr. Adkins shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Adkins' quarterly declarations.

7. **Releases:** Dr. Adkins 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. Adkins' chemical dependency, or related conditions, or for purposes of complying with this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. To the extent permitted by law, 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. Further, Dr. Adkins shall provide the Board with 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 Order.

8. **Reports Regarding Drug & Alcohol Screens:** All screening reports required by Dr. Adkins' treatment provider must be received in the Board's offices no later than the due date for Dr. Adkins' quarterly declarations identified in paragraph C.3, above. It is Dr. Adkins' responsibility to ensure that the screening reports are timely submitted.
9. **Notification of Termination of Aftercare Contract or Recovery Contract:** If the William J. Farley Center should terminate its agreement with Dr. Adkins before Dr. Adkins completes the expected term of the agreement and/or the North Carolina Physicians Health Program should terminate its agreement with Dr. Adkins before Dr. Adkins completes the expected term of that agreement, Dr. Adkins shall notify the Board of that termination within 30 days thereof, and provide the Board with any written documentation regarding that termination. In the event of such termination, the Board may impose additional terms, conditions, or limitations upon Dr. Adkins' certificate as set forth in paragraph E.3, below.

D. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Adkins' certificate to practice medicine and surgery in Ohio until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration:** Dr. Adkins shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Compliance with Notification and Interim Monitoring Requirements:** Dr. Adkins shall have maintained compliance with all the notification and interim monitoring requirements set forth in Paragraphs B and C of this Order.
3. **Evidence of Unrestricted Licensure in Other States:** At the time she submits her application for reinstatement or restoration, Dr. Adkins shall provide written documentation acceptable to the Board verifying that, in the states in which Dr. Adkins holds a license to practice medicine and surgery at the time of application for reinstatement or restoration, the license is a full and unrestricted license, or that she would be entitled to a full and unrestricted license but for the nonpayment of renewal fees.
4. **Demonstration of Ability to Resume Practice:** Dr. Adkins shall demonstrate to the satisfaction of the Board that she can resume practice as a physician 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:

- a. Certification from a treatment provider approved by the Board that Dr. Adkins has successfully completed any treatment required by the Board, including treatment required by statutes and/or administrative rules in effect at the time of the application.⁶
- b. Evidence that Dr. Adkins, immediately upon completion of any required treatment for chemical dependency, entered into an aftercare contract with the treatment provider; and, in addition, evidence of continuing full compliance with, or successful completion of, the post-discharge aftercare contract except that, where the terms of the aftercare contract conflict with the terms of this Order, the terms of this Order shall control. 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, Ohio Administrative Code, or other administrative rule in effect at the time of the application.
- c. Evidence of continuing full compliance with this Order.
- d. Two written reports indicating that Dr. Adkins' ability to practice has been assessed and that she 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. Adkins. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Adkins shall provide the evaluators with copies of patient records from any evaluations and/or treatment that she has received, and a copy of this Order. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Adkins, and any conditions, restrictions, or limitations that should be imposed on Dr. Adkins' 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 or restoration. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

⁶Section 4731.22(B)(22)(a), Ohio Revised Code, mandates that certification must be provided by "an approved treatment provider" in order to demonstrate eligibility for reinstatement. However, the statute does not require that the treatment provider must have been approved *before* the individual successfully completed inpatient treatment.

5. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Adkins has not been engaged in the active practice of medicine and surgery for a period in excess of two year prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of her fitness to resume practice.
- E. **PROBATION:** Upon reinstatement or restoration, Dr. Adkins' certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Obey the Law and Other Regulatory Authorities' Orders:** Dr. Adkins shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which she is practicing; and all terms of any future orders issued by the regulatory authorities in other states or jurisdictions.
 2. **Continuation of Notification Requirements and Terms, Conditions, and Limitations from Suspension Period:** Dr. Adkins shall continue to be subject to the terms, conditions, and limitations specified in Paragraphs B and C of this Order.
 3. **Refrain from Commencing Practice in Ohio:** Dr. Adkins shall refrain from commencing practice in Ohio without prior written Board approval. Moreover, should Dr. Adkins commence practice in Ohio, the Board may impose additional probationary terms, conditions or limitations upon her certificate, including but not limited to the following:
 - a. **Drug & Alcohol Screens; Drug-testing Facility and Collection Site:** Dr. Adkins shall submit to random urine screenings for alcohol and drugs at least four times per month, or as otherwise directed by the Board. Dr. Adkins shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug-testing panel used must be acceptable to the Secretary of the Board, and shall include Dr. Adkins' drug(s) of choice.
 - Dr. Adkins shall submit, at her expense and on the day selected, urine specimens for alcohol and/or drug analysis. (The term "toxicology screen" is also used herein for "urine screen" and/or "drug screen.")
 - All specimens submitted by Dr. Adkins shall be negative, except for those substances prescribed, administered, or dispensed to her in conformance with the terms, conditions and limitations set forth in this Order.
 - Refusal to submit a specimen, or failure to submit a specimen on the day she is selected or in the manner as the Board may request, shall constitute a violation of this Order.
 - Dr. Adkins shall abstain from the use of any substance that may produce a positive result in a toxicology screen, including the consumption of poppy

seeds or other food or liquid that may produce a positive result on a toxicology screen.

- Dr. Adkins shall be held to an understanding and knowledge that the consumption or use of various substances, including but not limited to mouthwashes, hand-cleaning gels, and cough syrups, may cause a positive toxicology screen, and that unintentional ingestion of a substance is not distinguishable from intentional ingestion on a toxicology screen, and that, therefore, consumption or use of substances that may produce a positive result in a toxicology screen is prohibited under this Order.
- All screenings for drugs and alcohol shall be conducted through a Board-approved drug-testing facility and a Board-approved collection site, except as provided in Paragraph D.3.b., below (“Alternative Drug-testing and/or Collection Site”). Further, the screening process shall require a daily call-in procedure.
- Within 30 days of the effective date of this Order, Dr. Adkins shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug-testing facility and/or collection site (“DFCS”) in order to facilitate the screening process in the manner required by this Order.
- Further, within 30 days of making such arrangements, Dr. Adkins shall provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Adkins and the Board-approved DFCS. Dr. Adkins’ failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Order.
- Dr. Adkins shall ensure that the urine-screening process performed through the Board-approved DFCS requires a daily call-in procedure; 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, Dr. Adkins and the Board-approved DFCS shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.
- Dr. Adkins shall ensure that the Board-approved DFCS provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.

- In the event that the Board-approved DFCS becomes unable or unwilling to serve as required by this Order, Dr. Adkins must immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph D.3.b., below, as soon as practicable. Dr. Adkins shall further ensure that the Board-approved DFCS also notifies the Board directly of its inability to continue to serve and the reasons therefor.
 - Dr. Adkins acknowledges that the Board expressly reserves the right to withdraw its approval of any DFCS in the event that the Secretary and Supervising Member of the Board determine that the DFCS has demonstrated a lack of cooperation in providing information to the Board or for any other reason.
- b. **Alternative Drug-testing Facility and/or Collection Site:** It is the intent of this Order that Dr. Adkins shall submit urine specimens to the Board-approved DFCS chosen by the Board. However, in the event that using the Board-approved DFCS creates an extraordinary hardship on Dr. Adkins, as determined in the sole discretion of the Board, then, subject to the following requirements, the Board may approve an alternative DFCS or a supervising physician to facilitate the urine-screening process for Dr. Adkins:
- Within 30 days of the date on which Dr. Adkins is notified of the Board's determination that utilizing the Board-approved DFCS constitutes an extraordinary hardship on Dr. Adkins, she shall submit to the Board in writing for its prior approval the identity of either an alternative DFCS or the name of a proposed supervising physician to whom Dr. Adkins shall submit the required urine specimens.
 - In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Dr. Adkins' residence or employment location, or to a physician who practices in the same locale as Dr. Adkins. Dr. Adkins shall ensure that the urine-screening process performed through the alternative DFCS or through the supervising physician requires a daily call-in procedure; 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, Dr. Adkins acknowledges that the alternative DFCS or the supervising physician shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.
 - Dr. Adkins shall ensure that the alternative DFCS or the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.

- In the event that the designated alternative DFCS or the supervising physician becomes unable or unwilling to so serve, Dr. Adkins must immediately notify the Board in writing. Dr. Adkins shall further ensure that the previously designated alternative DFCS or the supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor. Further, in the event that the approved alternative DFCS, or supervising physician becomes unable to serve, Dr. Adkins shall, in order to ensure that there will be no interruption in her urine-screening process, immediately commence urine screening at the Board-approved DFCS chosen by the Board, until such time, if any, that the Board approves a subsequent alternative DFCS or supervising physician, if requested by Dr. Adkins.
 - The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Dr. Adkins' designated alternative DFCS or any person proposed to serve as her supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.
- c. **Reports regarding Drug & Alcohol Screens:** All screening reports required under this Order from the Board-approved DFCS, the alternative DFCS and/or supervising physician must be received in the Board's offices no later than the due date for Dr. Adkins' quarterly declaration. It is Dr. Adkins' responsibility to ensure that reports are timely submitted.
- d. **Additional Screening without Prior Notice:** Upon the Board's request and without prior notice, Dr. Adkins must provide a specimen of her blood, breath, saliva, urine, and/or hair for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Adkins, or for any other purpose, at Dr. Adkins' expense. Dr. Adkins' refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.
- e. **Absence from Ohio:** Dr. Adkins 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.

Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Order for occasional periods of absence of fourteen days or less. In the event that

Dr. Adkins resides and/or is employed at a location that is within 50 miles of the geographic border of Ohio and a contiguous state, Dr. Adkins may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Adkins is otherwise able to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

- f. **Log of Controlled Substances Prescribed:** Dr. Adkins shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, on the date upon which Dr. Adkins' quarterly declaration is due, or as otherwise directed by the Board. Further, Dr. Adkins shall make her patient records with regard to such prescribing available for review by an agent of the Board immediately upon request.

- g. **Administering, Furnishing or Possessing Controlled Substances:** Dr. Adkins shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph C.4, above) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Order to allow Dr. Adkins to administer or personally furnish controlled substances, Dr. Adkins 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 and shall be submitted to the Board no later than the date upon which Dr. Adkins' quarterly declaration is due, or as otherwise directed by the Board. Further, Dr. Adkins shall make her patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board immediately upon request.

- h. **Monitoring Physician:** Before engaging in any medical practice in Ohio, Dr. Adkins shall submit to the Board in writing 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. Adkins and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Adkins and her medical practice, and shall review Dr. Adkins' 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.

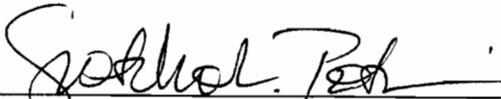
Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Adkins and her medical practice, and on the review of Dr. Adkins' patient charts. Dr. Adkins shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices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

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Adkins must immediately so notify the Board in writing. In addition, Dr. Adkins shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Adkins 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.

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

4. **Modification of Terms**: Dr. Adkins shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year.
 5. **Tolling of Probationary Period while Out of Compliance**: In the event Dr. Adkins is found by the Secretary of the Board to have failed to comply with any provision of this Order, 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 Order.
 6. **Termination of Probation**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Adkins' certificate will be fully restored.
- F. **VIOLATION OF THE TERMS OF THIS ORDER**: If Dr. Adkins violates the terms of this Order in any respect, the Board, after giving her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.
- G. **SUPERSEDE BOARD'S MARCH 2007 ENTRY OF ORDER**: This Order shall supersede the terms and conditions set forth in the Board's March 2007 Entry of Order.

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


Gretchen L. Petrucci
Hearing Examiner

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov



EXCERPT FROM THE DRAFT MINUTES OF JULY 9, 2008

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDER

Dr. Varyani announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read and considered the hearing record; the Findings of Fact, Conclusions of Law and Proposed Orders; and any objections filed in the matters of Paula Clark Adkins, M.D.; Carolyn Elizabeth Johnson, M.D.; W. Scott Nekrosius, M.D.; and Bradley Rex Wolf, M.D.; and the Proposed Findings and Proposed Order in the matter of Kenneth Lester Drews, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

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

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

PAULA CLARK ADKINS, M.D.

.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF PAULA CLARK ADKINS, M.D. DR. EGNER SECONDED THE MOTION.

.....

Mr. Albert left the meeting during the previous discussion.

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

ROLL CALL:	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- abstain
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.



State Medical Board of Ohio

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

July 11, 2007

Paula Clark Adkins, M.D.
30 Magnolia Avenue
Pinehurst, NC 28374

Dear Doctor Adkins:

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

- (1)(a) On or about June 8, 2005, you entered into a Step I Consent Agreement [2005 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon your violations of Sections 4731.22 (B)(19), (B)(22), and (B)(10), Ohio Revised Code. The 2005 Step I Consent Agreement suspended your certificate for an indefinite period of time, but not less than 180 days, set forth conditions that you were required to meet while your certificate was suspended, and established certain additional conditions that you were required to satisfy before the Board would consider reinstating your certificate. A copy of the 2005 Step I Consent Agreement is attached hereto and fully incorporated herein.
- (b) In response to your request for reinstatement of your certificate to practice medicine in Ohio, the Board, on or about May 10, 2006, issued to you a Notice of Opportunity for Hearing, which alleged, in part, that you violated Sections 4731.22(B)(15), (B)(5), (B)(26), (B)(10), and (B)(22), Ohio Revised Code. On or about March 14, 2007, the Board issued an Entry of Order [March 2007 Board Order], which reinstated your certificate to practice medicine and surgery, reprimanded you, and imposed probationary terms, conditions and limitations on your certificate for at least four years, based on your violations of Sections 4731.22(B)(15), (B)(5), (B)(26), (B)(10), and (B)(22), Ohio Revised Code. A copy of the March 2007 Board Order is attached hereto and fully incorporated herein.

You were subject to all the terms, conditions and limitations of the 2005 Step I Consent Agreement until on or about March 16, 2007, the effective date of the March 2007 Board Order, which superseded the terms and conditions of the 2005 Step I Consent Agreement. To date you remain subject to all terms, conditions, and limitations of the March 2007 Board Order.

- (2) Paragraph 3 of the 2005 Step I Consent Agreement provided that you shall abstain completely from the personal use or possession of drugs, except those prescribed,

Mailed 7-12-07

dispensed or administered to you by another so authorized by law who has full knowledge of your psychiatric history and history of substance abuse.

Despite the aforementioned requirement set forth in the 2005 Step I Consent Agreement, you failed to abstain completely from the personal use or possession of opiates and/or other drugs, which were not prescribed, dispensed or administered to you by another so authorized by law who had full knowledge of your history of substance abuse. You stated in your responses to the Board's Interrogatories, which the Board received on or about June 20, 2007 [Board Interrogatories], that from in or around November 2006 to on or about March 31, 2007, you obtained approximately six prescriptions for Tussionex from physicians who did not have full knowledge of your history of chemical dependency, and you intermittently used Tussionex from November 2006 until on or about April 8, 2007.

On or about April 13, 2007, your attorney reported to the Board that you had relapsed. In your responses to the Board Interrogatories, you indicated that on or about May 7, 2007, you had entered inpatient treatment at a facility in Virginia.

- (3) Paragraph 7 of the March 2007 Board Order provided that you shall abstain completely from the personal use or possession drugs, except those prescribed, dispensed or administered to you by another so authorized by law who has full knowledge of your history of chemical dependency.

Despite the aforementioned requirement set forth in the March 2007 Board Order, you failed to abstain completely from the personal use or possession of opiates and/or other drugs, which were not prescribed, dispensed or administered to you by another so authorized by law who had full knowledge of your history of substance abuse. You stated in your responses to the Board's Interrogatories, that on or about March 31, 2007, you obtained a prescription for Tussionex from a physician who did not have full knowledge of your history of chemical dependency, and you continued to intermittently use Tussionex until on or about April 8, 2007.

- (4) On or about December 21, 2006, the North Carolina Medical Board [North Carolina Board] issued an Order of Summary Suspension of License, which was based, in part, on information that a drug screen you provided on or about November 20, 2006, was positive for opiates, as further set forth in the *Notice of Charges and Allegations; Notice of Hearing* that was filed on the same day. Copies of said documents are attached hereto and incorporated herein.
- (5) On or about April 18, 2007, you entered into a Consent Order with the North Carolina Board, which indefinitely suspended your license to practice medicine in North Carolina. This Consent Order was based, in part, on findings that a drug screen that you submitted to the North Carolina Board on or about November 20, 2006, was positive for opiates, and that the North Carolina Board had learned that you obtained and filled prescriptions for hydrocodone from several health care providers, and that some of said prescriptions were filled in January, February and March of 2007. A copy of the North Carolina April 18, 2007 Consent Order is attached hereto and fully incorporated herein.

- (6) On or about April 23, 2007, you surrendered your license to practice medicine in West Virginia to the West Virginia Board of Medicine [West Virginia Board]. A copy of the West Virginia Board April 26, 2007 Memorandum memorializing the surrender of your license to practice medicine in West Virginia is attached hereto and fully incorporated herein.

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (2), (3), (4) and (5) 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), (2), (3), (4) and (5), above, individually and/or collectively, constitute “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,” as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Further, the North Carolina Board’s December 21, 2006 Order of Summary Suspension of License, and the North Carolina Board’s April 18, 2007 Consent Order, as alleged in paragraphs (4) and (5) above, individually and/or collectively, constitute “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Further, the West Virginia Board’s April 26, 2007 Memorandum, as alleged in paragraph (6) above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

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

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in

Paula Clark Adkins, M.D.

Page 4

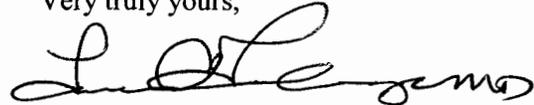
writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

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/MRB/flb

Enclosures

CERTIFIED MAIL #91 7108 2133 3931 8318 4005
RETURN RECEIPT REQUESTED

cc: Kevin P. Byers, Esq.
107 South High Street
Suite 400
Columbus, OH 43215

CERTIFIED MAIL #91 7108 2133 3931 8317 7120
RETURN RECEIPT REQUESTED



**NORTH CAROLINA
MEDICAL BOARD**

H. Arthur McCulloch, MD
President

Janelle A. Rhyne, MD
President-Elect

George L. Saunders, III, MD
Secretary

Ralph C. Loomis, MD
Treasurer

Re: Paula Clark Adkins, M.D.

The attached eighteen pages are certified to be true copies of the original documents appearing in Dr. Adkins' official public record of the North Carolina Medical Board kept under my custody and control.

This the 2nd day of May, 2007.

ATTEST:

R. David Henderson

R. David Henderson
Executive Director

SEAL

R. David Henderson
Executive Director

1203 Front Street
Raleigh, North Carolina 27609-7533

Mailing:
P.O. Box 20007
Raleigh, North Carolina 27619-0007

Telephone: (919) 326-1100
Fax: (919) 326-1131
Email: info@ncmedboard.org
Web: www.ncmedboard.org

OHIO STATE MEDICAL BOARD

MAY 04 2007

RECEIVED

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Paula Clark Adkins, M.D.,) ORDER OF SUMMARY
) SUSPENSION OF LICENSE
)
Respondent.)

This matter is before the North Carolina Medical Board (hereafter, "Board") upon information that Paula Clark Adkins, M.D. (hereafter, "Dr. Adkins") tested positive for opiates. Dr. Adkins has a criminal history that includes the commission of crimes involving deception and fraud related to her substance abuse. Furthermore, Dr. Adkins has been assigned the following diagnoses: opiate abuse; possible opiate dependence; and major depressive disorder. Dr. Adkins' recent positive drug screen for opiates coupled with her diagnoses, criminal history, and history of substance abuse make Dr. Adkins unsafe to practice medicine with reasonable skill and safety to patients within the meaning of N.C. Gen. Stat. § 90-14(a) (5). The offending conduct is described in the Notice of Charges and Allegations; Notice of Hearing dated December 21, 2006, and is incorporated by reference as if fully set forth herein.

The North Carolina Medical Board finds that the public health, safety, or welfare requires emergency action. The Board therefore ORDERS, pursuant to N.C. Gen. Stat. § 150B-3(c), that

Dr. Adkins' license to practice be SUSPENDED effective upon service of a certified copy of this Order.

This the 21st day of December, 2006.

NORTH CAROLINA MEDICAL BOARD



By: _____

H. Arthur McCulloch, M.D.
President

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Paula Clark Adkins, M.D.,) NOTICE OF CHARGES
) AND ALLEGATIONS;
) NOTICE OF HEARING
Respondent.)

The North Carolina Medical Board (hereafter, "Board") has preferred and does hereby prefer the following charges and allegations:

1. The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes.

2. Paula Clark Adkins, M.D. (hereafter, "Dr. Adkins") is a physician first licensed to practice medicine and surgery on July 24, 1999, license number 9900745.

3. During the times relevant herein, Dr. Adkins practiced medicine in Sanford, North Carolina.

4. On June 19, 2004, Dr. Adkins was charged by Pinehurst, North Carolina law enforcement officials with one count of obtaining a controlled substance by false pretense and eight counts of attempting to obtain controlled substances by false pretenses.

5. On September 1, 2004, Dr. Adkins surrendered her North Carolina medical license as a result of her arrest.

6. On September 9, 2004, Dr. Adkins pleaded guilty in Moore County District Court to nine misdemeanor counts of common law forgery arising out of the above described charges for which Dr. Adkins received a suspended sentence.

7. In August 2004, Dr. Adkins submitted to the North Carolina Physicians Health Program ("NCPHP") and it was their recommendation that Dr. Adkins undergo residential inpatient treatment for chemical dependency and opiate abuse.

8. On June 8, 2005, the State Medical Board of Ohio (hereafter, "Ohio Board") suspended Dr. Adkins' Ohio medical license for an indefinite period of time by means of a Consent Agreement. In that Consent Agreement with the Ohio Board, Dr. Adkins recounted her criminal history and admitted that the "misdemeanor common law forgery related to her acts of fraudulently issuing a prescription for Tussionex in the name of a neighbor and obtaining such medication for self use through deception." Dr. Adkins further admitted that "she had also written several additional prescriptions for Tussionex in the name of the aforementioned neighbor for which she was not criminally charged, and that she obtained a portion of such medication

for self-use." Finally, she admitted to the Ohio Board that her conduct in North Carolina would constitute felonies if committed in Ohio.

9. On August 11, 2005, the Commonwealth of Kentucky Board of Medical Licensure (hereafter, "Kentucky Board") issued an Order Denying Application for License to Dr. Adkins. In that Order the Kentucky Board requested that Dr. Adkins be evaluated by the Kentucky Physicians Health Foundation. The physician performing the evaluation noted in his evaluation that Bradford Health Services (a treatment facility) had recommended that Dr. Adkins continue inpatient treatment, but that she had left due to financial reasons.

10. According to the Kentucky Board, after the evaluation Dr. Adkins was assigned the following diagnoses: opiate abuse; possible opiate dependence; and major depressive disorder. The evaluator recommended that Dr. Adkins successfully complete residential treatment for her substance use disorder before she be allowed to practice medicine. The Kentucky Board noted that another evaluator concurred in the recommendation.

11. On August 29, 2005, this Board reinstated Dr. Adkins' North Carolina medical license with conditions by means of a Consent Order. The conditions included:

i. In the event Dr. Adkins relocates to North Carolina or intends to resume the practice of medicine in North Carolina, NCPHP will re-evaluate the need for additional treatment prior to advocating for Dr. Adkins to resume practice in North Carolina. In addition to the above, in the event Dr. Adkins relocates to North Carolina or intends to resume the practice of medicine in North Carolina, Dr. Adkins must first notify the Board of her intentions to resume practice in North Carolina, must demonstrate that she has obtained NCPHP's advocacy prior to resuming the practice of medicine in North Carolina, and must receive prior approval of the Board President before resuming the practice of medicine in North Carolina.

ii. Unless lawfully prescribed for her by someone other than herself, Dr. Adkins shall refrain from the use of all mind-or mood-altering substances, including alcohol. Dr. Adkins shall notify the Board in writing within ten (10) days of her use of such substance. This notice shall include, but shall not be limited to, identification of the prescriber and of the pharmacy filling the prescription.

iii. Upon request by the Board, Dr. Adkins shall supply urine, blood, hair, or any other bodily fluid or tissue sample the Board might reasonably require for the purposes of analysis to determine if he has consumed any of the substances mentioned above. All costs of obtaining and analyzing such samples shall be borne by Dr. Adkins.

iv. Dr. Adkins shall maintain a contract with NCPHP and abide by its terms, including the timely payment of any fees required by NCPHP.

v. Dr. Adkins must continue to attend Alcoholics Anonymous and Narcotics Anonymous meetings.

12. On November 20, 2006 at 8:00 am, Dr. Adkins submitted to a urine drug screen to a Board investigator after she got off work from a Hospital Emergency

Department. This drug screen was prompted by a report from the NC PHP that Dr. Adkins had become hard to monitor. Based on that report from the NC PHP the Board performed a drug screen and scheduled an informal interview for Dr. Adkins in January 2007.

13. This drug screen was positive for opiates. Further testing revealed that the opiate came from the presence of hydrocodone in the urine sample. Hydrocodone is the opiate ingredient found in Tussionex® (hydrocodone polistirex and chlorpheniramine polistirex).

14. On December 4, 2006, Dr. Adkins was confronted with the results of the drug screen. She offered an explanation that she may have inadvertently taken Tussionex®. Dr. Adkins further explained that she was visiting her family in West Virginia and self-treated an ailment with Paregoric, also known as camphorated opium tincture, a scheduled III narcotic. According to Dr. Adkins, the Paregoric was prescribed to her sometime in 1998 or 1999 and was left over in the home in 2004. Furthermore, Dr. Adkins stated she was abusing Tussionex® between January and June 2004 and would pour Tussionex® into liquid bottles to discard the Tussionex® bottles and conceal the drug. Dr. Adkins stated that she must have poured the Tussionex® into the Paregoric bottle sometime

between January and June 2004, and that her drinking recently from that same bottle for her ailment this would explain the positive test for opiates and hydrocodone.

15. Dr. Adkins, however, stated she had no independent recollection of pouring Tussionex® into the Paregoric bottle, and she could not produce the bottle for testing because she had informed her mother-in-law to get rid of all medications from that house.

16. On December 16, 2006, the Board voted to ask Dr. Adkins to surrender her medical license or be summarily suspended.

17. Dr. Adkins, through her counsel, refused to surrender her North Carolina medical license.

18. As evidenced by the above allegations, Dr. Adkins' abuse of controlled substances constitutes Dr. Adkins being unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of alcohol, drugs, chemicals, or any other type of material or by reason of any physical or mental abnormality, within the meaning of N.C. Gen. Stat. § 90-14(a)(5), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Adkins' license to practice

medicine issued by the Board or to deny any application she might make in the future.

19. As evidenced by the above, Dr. Adkins violated her Consent Order with this Board and thus engaged in unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the ethics of the medical profession, irrespective of whether or not a patient is injured thereby, or the committing of any act contrary to honesty, justice, or good morals, whether the same is committed within or without North Carolina, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Adkins' license to practice medicine issued by the Board or to deny any application she might make in the future.

NOTICE TO DR. ADKINS

Pursuant to N.C. Gen. Stat. § 90-14.2, it is hereby ordered that a hearing on the foregoing Notice of Charges and Allegations will be held before the Board, or a panel thereof, at 8:00 a.m., Wednesday, February 21, 2007, or as soon thereafter as the Board may hear it, at the offices of the Board at 1203 Front Street, Raleigh, North Carolina, to continue until completed. The hearing will be held

pursuant to N.C. Gen. Stat. § 150B-40, 41, and 42, and N.C. Gen. Stat. § 90-14.2, 14.4, 14.5, and 14.6. You may appear personally and through counsel, may cross-examine witnesses and present evidence in your own behalf.

You may, if you desire, file written answers to the charges and complaints preferred against you within 30 days after the service of this notice.

Pursuant to N.C. Gen. Stat. § 150B-40(c.) (5), it is further ordered that the parties shall arrange a prehearing conference at which they shall prepare and sign a stipulation on prehearing conference. The prehearing stipulation shall be submitted to the undersigned no later than seven days prior to the hearing date.

The right to be present during the hearing of this case, including any such right conferred or implied by N.C. Gen. Stat. § 150B-40(d), shall be deemed waived by a party or her counsel by voluntary absence from the Board's office at a time when it is known that proceedings, including deliberations, are being conducted, or are about to be conducted. In such event, the proceedings, including additional proceedings after the Board has retired to deliberate, may go forward without waiting for the arrival or return of counsel or a party.

This the 21st day of December, 2006.

NORTH CAROLINA MEDICAL BOARD



By:

H. Arthur McCulloch, M.D.
President

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Paula Clark Adkins, MD,) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board (hereafter, "Board") on Notice of Charges and Allegations dated December 21, 2006 regarding Paula Clark Adkins, M.D. (hereafter, "Dr. Adkins"). Dr. Adkins admits, and the Board finds and concludes, that:

Whereas the Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes, and

Whereas, during the times relevant herein, Dr. Adkins practiced medicine in Sanford, North Carolina, and

Whereas, on September 1, 2004, Dr. Adkins surrendered her North Carolina medical license, and

Whereas on June 3, 2005, Dr. Adkins entered into a Consent Order with this Board wherein her North Carolina medical license was indefinitely suspended, and

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Whereas, on August 29, 2005, the North Carolina Board reinstated Dr. Adkins' North Carolina medical license with conditions by means of a Consent Order. The conditions are recited in that order and are incorporated herein by reference, and

Whereas, on November 20, 2006, Dr. Adkins submitted to a urine drug screen to a Board investigator after she got off work from a Hospital Emergency Department, and

Whereas, this drug screen, which the Board obtained, was positive for opiates. Further testing revealed that the opiate came from the presence of hydrocodone in the urine sample. Hydrocodone is the opiate ingredient found in Tussionex[®] (hydrocodone polistirex and chlorpheniramine polistirex), and

Whereas, on December 4, 2006, Dr. Adkins was confronted with the results of the drug screen. She offered an explanation that she may have inadvertently taken Tussionex[®]. Dr. Adkins further explained that she was visiting her family in West Virginia and self-treated an ailment with Paregoric, also known as camphorated opium tincture, a schedule III narcotic. According to Dr. Adkins, the Paregoric was prescribed to her sometime in 1998 or 1999 and was left over in the home in 2004. Furthermore, Dr. Adkins stated she was abusing Tussionex[®]

OHIO STATE MEDICAL BOARD

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between January and June 2004 and would pour Tussionex® into liquid bottles to discard the Tussionex® bottles and conceal the drug. Dr. Adkins stated that she must have poured the Tussionex® into the Paregoric bottle sometime between January and June 2004, and that her drinking recently from that same bottle for her ailment might explain the positive test for opiates and hydrocodone, and

Whereas, Dr. Adkins stated she had no independent recollection of pouring Tussionex® into the Paregoric bottle, but she could not produce the bottle for testing because she had informed her mother-in-law to get rid of all medications from that house, and

Whereas, on December 16, 2006, the Board voted to ask Dr. Adkins to surrender her medical license or be summarily suspended, and

Whereas, Dr. Adkins, through her counsel, refused to surrender her North Carolina medical license and was summarily suspended on December 21, 2006, and

Whereas, Dr. Adkins reports that, other than the November 20, 2006 urine sample which tested positive, all other weekly urine drug screens were negative and Dr. Adkins further reports that she obtained a separate drug screen of the November 20, 2006 urine specimen and that result was negative, and

Whereas, Dr. Adkins in interrogatories and discovery further indicated that she has not knowingly ingested hydrocodone since signing her August 25, 2005 Consent Order, and

Whereas, the Board subsequently learned that Dr. Adkins obtained and filled prescriptions for hydrocodone from several health care providers located in Ohio, South Carolina and North Carolina, and

Whereas, some of these prescriptions were filled in January, February and March of 2007 after the Board summarily suspended Dr. Adkins' medical license and after Dr. Adkins challenged that action in Wake County Superior Court, and

Whereas, the evidence supports the allegations that Dr. Adkins abused controlled substances which renders Dr. Adkins being unable to practice medicine with reasonable skill and safety to patients by reason of illness, drugs, chemicals, or any other type of material or by reason of any physical or mental abnormality, within the meaning of N.C. Gen. Stat. § 90-14(a)(5), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Adkins' license to practice medicine issued by the Board or to deny any application she might make in the future, and

OHIO STATE MEDICAL BOARD

Consent Order - Paula Clark Adkins, M.D.

Page 4 of 7

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Whereas, as evidenced by the above, Dr. Adkins violated her Consent Order with this Board and thus engaged in unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the ethics of the medical profession, irrespective of whether or not a patient is injured thereby, or the committing of any act contrary to honesty, justice, or good morals, whether the same is committed within or without North Carolina, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Adkins' license to practice medicine issued by the Board or to deny any application she might make in the future, and

Whereas Dr. Adkins would like to resolve this matter without the need for more formal proceedings, and

Whereas the Board has determined that it is in the public interest to resolve this case as set forth below;

Now, therefore, with Dr. Adkins's consent, it is ORDERED that:

1. Dr. Adkins's license to practice medicine and surgery in North Carolina is hereby INDEFINITELY SUSPENDED.

2. This Consent Order shall take effect immediately upon its execution by both Dr. Adkins and the Board, and it

shall continue in effect until specifically ordered otherwise by the Board.

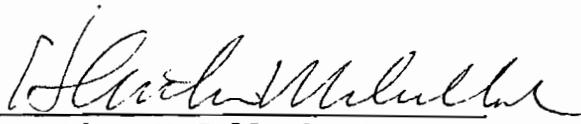
3. Dr. Adkins hereby waives any requirement under law or rule that this Consent Order be served on her.

4. Upon execution by Dr. Adkins and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required by and permitted by law including, but not limited to, the Federation of State Medical Boards, the National Practitioner's Data Bank, and the Healthcare Integrity and Protection Data Bank.

This the 18th day of April, 2007.

NORTH CAROLINA MEDICAL BOARD

By:


H. Arthur McCulloch, MD
President

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Consented to this the 18th day of April, 2007.


Paula Clark Adkins, M.D.

State of North Carolina

County of Wake

I, Dorinda Edwards, a Notary Public for the above named County and State, do hereby certify that Paula Clark Adkins, M.D., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal

This the 18th day of April, 2007.

Dorinda A. Edwards
Notary Public

(SEAL)

My Commission expires: 11-14-09

OHIO STATE MEDICAL BOARD

MAY 04 2007

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Rev. Richard Bowyer
Fairmont

Michael L. Ferrebee, MD
Morgantown

Angelo N. Georges, MD
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Doris M. Griffin, MBA
Martinsburg

M. Khalid Hasan, MD
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Beth Hays, MA
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J. David Lynch, Jr., MD
Morgantown

Vettivelu Maheswaran, MD
Charles Town

Bill May, DPM
Huntington

Leonard Simmons, DPM
Fairmont

Badshah J. Wazir, MD
South Charleston

Kenneth Dean Wright, PA-C
Huntington

State of West Virginia

West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084

CERTIFICATION

I DO HEREBY CERTIFY that the following attached document **RE: PAULA CLARK ADKINS, M.D.** is a true and accurate copy of the original document as maintained by the West Virginia Board of Medicine: **MEMORANDUM** dated April 26, 2007.

OHIO STATE MEDICAL BOARD

MAY 17 2007

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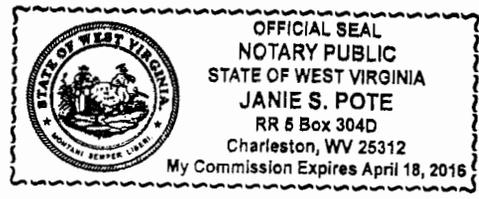

Robert C. Knittle, Executive Director
West Virginia Board of Medicine

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA

The foregoing instrument was acknowledged before me this 14th day of May, 2007, by Robert C. Knittle, Executive Director, West Virginia Board of Medicine.

My Commission expires April 18, 2016.


Janie S. Pote
Notary Public



- | | | | | | |
|---|--|--|--|--|---|
| PRESIDENT
John A. Wade, Jr., MD
Point Pleasant | VICE PRESIDENT
Lee E. Smith, MD
Princeton | SECRETARY
Catherine Slemp, MD, MPH
Charleston | EXECUTIVE DIRECTOR
Robert C. Knittle
Charleston | COUNSEL
Deborah Lewis Rodecker
Charleston | PROSECUTING ATTORNEY
John K. McHugh
Charleston |
|---|--|--|--|--|---|



Rev. Richard Bowyer
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State of West Virginia

West Virginia Board of Medicine

101 Dee Drive, Suite 103

Charleston, WV 25311

Telephone 304.558.2921

Fax 304.558.2084

MEMORANDUM

FILE COPY

TO: Entities Listed Under W. Va. Code §30-3-14(l)(2)

FROM: Robert C. Knittle, Executive Director
West Virginia Board of Medicine 

DATE: April 26, 2007

RE: PAULA CLARK ADKINS, M.D.
30 Magnolia Avenue
Pinehurst, NC 28374-8864
WV LICENSE NO. 21581
DATE OF BIRTH: 11/26/1965

Please be advised that effective April 23, 2007, at 5:00 p.m., the active West Virginia medical license of PAULA CLARK ADKINS, M.D., has been SURRENDERED to the West Virginia Board of Medicine. Consequently, Dr. Adkins is unable to practice medicine in West Virginia in any manner whatsoever.

You are further advised that no public documents are available regarding the surrender, and this notice contains the only factual matters of this action.

eb

PRESIDENT
John A. Wade, Jr., MD
Point Pleasant

VICE PRESIDENT
Lee E. Smith, MD
Princeton

SECRETARY
Catherine Slomp, MD, MPH
Charleston

EXECUTIVE DIRECTOR
Robert C. Knittle
Charleston

COUNSEL
Deborah Lewis Rodecker
Charleston

PROSECUTING ATTORNEY
John K. McHugh
Charleston



State Medical Board of Ohio

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

March 14, 2007

Paula Clark Adkins, M.D.
30 Magnolia Avenue
Pinehurst, NC 28374

Dear Doctor Adkins:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Patricia A. Davidson, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on March 14, 2007, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

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

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3933 4658 8664
RETURN RECEIPT REQUESTED

CC: Kevin P. Byers, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3933 4658 8671
RETURN RECEIPT REQUESTED

Mailed 3-16-07

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on March 14, 2007, 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 Paula Clark Adkins, 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.



Lance A. Talmage, M.D.
Secretary

(SEAL)

March 14, 2007
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

PAULA CLARK ADKINS, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on March 14, 2007.

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

It is hereby ORDERED that:

- A. **APPLICATION FOR REINSTATEMENT GRANTED:** The application of Paula Clark Adkins, M.D., for reinstatement of her certificate to practice medicine and surgery in Ohio is GRANTED.
- B. **REPRIMAND:** Dr. Adkins is REPRIMANDED.
- C. **PROBATION:** The certificate of Dr. Adkins to practice medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least four years:
 - 1. **Obey the Law:** Dr. Adkins shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which she is practicing.
 - 2. **Declarations of Compliance:** Dr. Adkins 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 Order. The

first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Declarations of Compliance with Consent Order with North Carolina:**

Dr. Adkins shall comply with the Consent Order of the North Carolina Medical Board [North Carolina Board] and the treatment plan and monitoring agreement that she entered into with North Carolina Physicians Health Program (NCPHP).

Dr. Adkins shall submit declarations under penalty of Ohio Board disciplinary action or criminal prosecution stating whether she has complied with all the terms, conditions, and limitations imposed by the North Carolina Board and NCPHP. Moreover, Dr. Adkins shall cause to be submitted to the Ohio Board copies of any reports that she submits to the North Carolina Board whenever the North Carolina Board requires such submission. Dr. Adkins shall ensure that the declarations of compliance with her Consent Order with the North Carolina Board and any copies of reports are forwarded to the Ohio Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Adkins' quarterly declaration.

4. **Declarations of Compliance with Recovery Contract:** At the same time that Dr. Adkins submits her quarterly declarations as set forth in paragraphs C.2 and C.3, above, she shall also submit declarations under penalty of Ohio Board disciplinary action or criminal prosecution stating whether she has complied with all the terms, conditions, and limitations imposed by her agreement with the North Carolina Physicians Health Program [NCPHP]. Moreover, Dr. Adkins shall cause to be submitted to the Ohio Board copies of any reports that she has submitted to the NCPHP since the time of submitting her prior quarterly declaration, and shall cause NCPHP to certify to the Ohio Board on a quarterly basis Dr. Adkins' compliance with her NCPHP agreement. In addition, Dr. Adkins shall describe any modification of the terms of her NCPHP agreement. Dr. Adkins shall ensure that the declarations of compliance with her NCPHP agreement and related documentation as described above are forwarded to the Ohio Board on a quarterly basis and are received in the Ohio Board's offices no later than the due dates for Dr. Adkins' quarterly declarations.

5. **Notification of Termination of Recovery Contract :** If the NCPHP should terminate Dr. Adkins' agreement before Dr. Adkins completes the expected term of that contract, the Board may place Dr. Adkins under additional terms, conditions, or limitations as set forth in paragraph C.10, below.

6. **Personal Appearances**: Dr. Adkins shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Dr. Adkins shall also appear upon her request for termination of the probationary period, and/or as otherwise requested by the Board.
7. **Abstention from Drugs**: Dr. Adkins shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of Dr. Adkins' history of chemical dependency.
8. **Abstention from Alcohol**: Dr. Adkins shall abstain completely from the use of alcohol.
9. **Personal/Professional Ethics Course**: Before the end of the second year of probation, or as otherwise approved by the Board, Dr. Adkins shall provide acceptable documentation of successful completion of a course or courses dealing with personal and professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Adkins submits the documentation of successful completion of the course or courses dealing with personal and professional ethics, she shall also submit to the Board a written report describing the course, setting forth what she learned from the course, and identifying with specificity how she will apply what she has learned to her practice of medicine in the future.

10. **Refrain from Commencing Practice in Ohio**: Dr. Adkins shall refrain from commencing practice in Ohio without prior written Board approval. Moreover, should Dr. Adkins commence practice in Ohio, the Board may place her certificate under additional probationary terms, conditions, or limitations, including the following, for the duration of her probation:
 - a. **Random Drug/Alcohol Screening; Supervising Physician**: Dr. Adkins shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Prior to Dr. Adkins' commencement of practice in Ohio, Dr. Adkins shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Dr. Adkins 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. Adkins. Dr. Adkins 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. Adkins 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 Order, 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. Adkins must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Adkins 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. Adkins' quarterly declaration. It is Dr. Adkins' responsibility to ensure that reports are timely submitted.

- b. **Rehabilitation Program:** Dr. Adkins 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, unless otherwise determined by the Board. Substitution of any other specific program must receive prior Board approval. Dr. Adkins 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. Adkins' quarterly declarations.

- c. **Contact Impaired Physicians Committee**: Dr. Adkins shall contact an appropriate impaired physicians committee, approved by the Board, to arrange for assistance in recovery or aftercare.

D. TERMINATION OF PROBATION: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Adkins' certificate will be fully restored.

E. RELEASES: Dr. Adkins shall provide continuing 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. Adkins' chemical dependency and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluations occurred before or after the effective date of this Order. 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. Adkins shall also provide the Board written consent permitting any treatment provider from whom Dr. Adkins 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 Order.

F. REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Adkins shall provide a copy of this Order 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. Adkins shall provide a copy of this Order 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.

G. REQUIRED REPORTING TO OTHER STATE LICENSING

AUTHORITIES: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Adkins shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license.

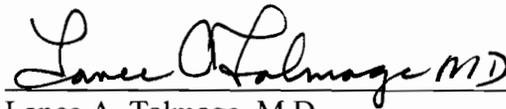
Dr. Adkins shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which she applies for any professional license or reinstatement or restoration or restoration of any professional license. Further, Dr. Adkins shall provide this Board

with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

H. SUPERSEDE PREVIOUS CONSENT AGREEMENT: This Order shall supersede the terms and conditions set forth in the June 8, 2005, Step I Consent Agreement between Dr. Adkins and the Board.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D.
Secretary

March 14, 2007

Date

2006 DEC 15 P 2: 03

**REPORT AND RECOMMENDATION
IN THE MATTER OF PAULA CLARK ADKINS, M.D.**

The Matter of Paula Clark Adkins, M.D., was heard by Patricia A. Davidson, Hearing Examiner for the State Medical Board of Ohio, on September 1, 2006.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated May 10, 2006, the State Medical Board of Ohio [Board] notified Paula Clark Adkins, M.D., of proposed disciplinary action against her certificate to practice medicine and surgery in Ohio. The Board's action was based on allegations that: (a) Dr. Adkins had violated her consent agreement with the Board and thus violated the "conditions of limitation" on her certificate; (b) she had made false statements in response to a Board interrogatory and by failing to make full disclosures as required during a Board-ordered impairment evaluation; (c) she is impaired in her ability to practice; and (d) the West Virginia Board of Medicine [West Virginia Board] had taken action against Dr. Adkins' license to practice in that state based on chemical dependence and impairment. (State's Exhibit [St. Ex.] 1A)

The Board cited violations of Ohio Revised Code Sections [R.C.] 4731.22(B)(5), (B)(10) (B)(15), (B)(22) and (B)(26). In addition, the Board alleged that Dr. Adkins had not met the requirements for granting her request to reinstate her Ohio certificate. (St. Ex. 1A)

- B. The Board, having advised Dr. Adkins of her right to request a hearing in this matter, received her request for hearing on June 9, 2006. (St. Exs. 1A, 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Kyle C. Wilcox, Assistant Attorney General.
- B. On behalf of the Respondent: Kevin P. Byers, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Paula Clark Adkins, M.D.
Victoria A. Sanelli, M.D.

II. Exhibits Examined

- A. Presented by the State
1. State's Exhibits 1A through 1K: Procedural exhibits.

2. State's Exhibit 2: Letter dated July 1, 2005, from Victoria L. Sanelli, M.D., to Rebecca Marshall. [Admitted under seal]
 3. State's Exhibit 3: Letter dated November 8, 2005, from Dr. Sanelli to Rebecca Marshall. [Admitted under seal]
 4. State's Exhibit 4: Letter dated December 7, 2005, from Dr. Sanelli to William Schmidt. [Admitted under seal]
 5. State's Exhibit 5: Letter dated December 13, 2005, from Dr. Sanelli to Mr. Schmidt. [Admitted under seal]
 6. State's Exhibit 6: Letter dated May 5, 2006, from Dr. Sanelli to Mr. Schmidt. [Admitted under seal]
 7. State's Exhibit 7: Respondent's answers to the State's First Set of Interrogatories. [Note: Names of Dr. Adkins' patients were redacted from this exhibit by agreement of the parties during the hearing. Transcript at 44-46.]
 8. State's Exhibit 8: November 2005 Consent Agreement between Respondent and the West Virginia Board.
 9. State's Exhibit 9: June 2005 Step I Consent Agreement between Respondent and the State Medical Board of Ohio.
 10. State's Exhibit 10: Respondent's medical records from Bradford Health Services. [Admitted under seal]
- B. Presented by the Respondent
1. Respondent's Exhibit A: Letter dated July 31, 2006, from the North Carolina Physicians Health Program (NCPHP) to Kevin Byers.
 2. Respondent's Exhibit B: Letter dated August 28, 2006, from Mary T. Mandell, M.D. [Admitted under seal]
 3. Respondent's Exhibit C: Therapist Report from NCPHP, July to September 2006. [Admitted under seal]
 4. Respondent's Exhibit D: August 2006 letter from Franklin Hargett, M.D.
 5. Respondent's Exhibit E: August 2006 letter from Ronald J. Powell, M.D.
 6. Respondent's Exhibit F: May 2006 letter from the West Virginia Board to Respondent.
 7. Respondent's Exhibit G: Copy of Rule 4731-16-12, Ohio Administrative Code.
 8. Respondent's Exhibit H: September 1, 2006, affidavit of Respondent.
 9. Respondent's Exhibit I: August 2005 Treatment Plan/Monitoring Agreement between the Respondent and NCPHP.

SUMMARY OF THE EVIDENCE

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

Background and Criminal Convictions

1. Paula Clark Adkins, M.D., testified that she had received her bachelor's degree from West Virginia State University and her medical degree from Marshall University School of Medicine in Huntington, West Virginia. Dr. Adkins completed an emergency medicine residency at Akron City Hospital in 1999, obtaining her Ohio certificate to practice medicine and surgery at that time (number 35.072775). Thereafter, she moved to Pinehurst, North Carolina, and joined Sandhills Emergency Physicians, a private, hospital-based, emergency medicine practice. She worked there for five years. (Hearing Transcript [Tr.] at 18-20; St. Ex. 9 at 2)
2. In 2004, Dr. Adkins left North Carolina and returned to West Virginia, where she worked with the Huntington Emergency Physicians Group. However, in August 2004, Dr. Adkins was contacted by North Carolina police regarding a pharmacist's report that she had been prescribing controlled substances for her personal use. Dr. Adkins was subsequently charged with one count of obtaining a controlled substance by false pretense and eight counts of attempting to obtain controlled substances by false pretenses. The charges stemmed from prescriptions Dr. Adkins had written for Tussionex, a cough suppressant containing hydrocodone, a narcotic. Dr. Adkins had written prescriptions in the names of neighbors in North Carolina but had picked up several of the prescriptions herself, for her own consumption. (Tr. at 20-24, 113; St. Ex. 7 at 24; St. Ex. 8 at 4; St. Ex. 9 at 2; St. Ex. 10)
3. Dr. Adkins testified that, between December 2003 and June 2004, she had abused hydrocodone. She explained that this had occurred during a time when she was under extreme stress because her father had been recently diagnosed with terminal cancer, her spouse was abusive, and she was "in a very abusive private practice group." She stated that, to ease anxiety and help her sleep, she had periodically consumed hydrocodone. However, Dr. Adkins asserted that she had used the hydrocodone only at home, and only when issues at work coincided with issues at home. (Tr. at 24-25)
4. In September 2004, in the District Court of Moore County, North Carolina, Dr. Adkins pleaded guilty to nine counts of misdemeanor forgery related to her fraudulent issuance of prescriptions and obtaining medication for self-use through deception. The court suspended a sentence of imprisonment, imposed two years of probation, and ordered Dr. Adkins to have no contact with her former neighbors and to participate in substance abuse treatment. (Tr. at 1-22, 25-26, 112; St. Ex. 8 at 2, 4-5; St. Ex. 9 at 2)

Treatment in Kentucky and Alabama

5. Dr. Adkins, who was licensed in North Carolina and West Virginia at the time of her criminal convictions, was subject to disciplinary action by the medical boards in those states. (St. Ex. 8 at 2, 4)

6. In January 2005, Dr. Adkins completed the Intensive Outpatient Substance Abuse Program at Our Lady of Bellefonte Hospital in Ashland, Kentucky.¹ Her diagnosis was opioid abuse. According to other documentation in the record (a subsequent consent agreement with the Ohio Board), a “licensed therapist affiliated with the program has opined that, although Dr. Adkins has been diagnosed with Opioid Abuse, she does not meet the clinical criteria for a diagnosis of substance dependence.” (St. Ex. 9 at 2; Tr. at 39-41, 61, 83)
7. At the direction of the North Carolina Physicians Health Program [NCPHP], Dr. Adkins underwent a 72-hour evaluation beginning January 16, 2005, at Bradford Health Services [Bradford], in Warrior, Alabama, which “recommended that she undergo residential inpatient treatment for chemical dependency and opiate abuse.” Dr. Adkins stayed at Bradford for the inpatient treatment, from which she was discharged on February 14, 2005. Dr. Adkins testified that she had entered for an evaluation and then stayed for 28 days because “one of the nurses” on the evaluation team felt that she needed more treatment. (St. Ex. 8 at 4; St. Ex. 10; Tr. at 58-61)

The Bradford discharge summary states two diagnoses: “Opiate dependence” and “obsessive-compulsive personality.” Dr. Adkins testified that, at the end of 28 days, she did not complete the recommended additional weeks of inpatient treatment because she could not afford it. She also testified that she had had “eight months of sobriety going into Bradford.” (Tr. at 57-61, St. Ex. 10)

After the evaluation and treatment at Bradford, Dr. Adkins was monitored by NCPHP. She entered into a “Treatment Plan/Monitoring Agreement” with NCPHP, which included random urine screens. (Tr. at 31-35, 43, 58, 60-61, 114; St. Ex. 8 at 4-5; St. Ex. 9 at 3; St. Ex. 10) (This agreement with NCPHP is discussed more fully below)

Dr. Adkins’ Response to the Ohio Board’s Interrogatory in March 2005

8. On March 2, 2005, shortly after Dr. Adkins was discharged from Bradford, the Ohio Board propounded interrogatories to her, which she answered, signing under oath on March 23, 2005. When asked in Interrogatory 2 whether she had ever been diagnosed and/or treated at any facility for alcohol and/or chemical dependency or abuse, Dr. Adkins answered “Yes.” (St. Ex. 7 at 4-5)
9. Interrogatory 3 asked for the following information:

If the answer to Interrogatory (2) above is yes, please identify separately in detail below, each and every occasion on which Paula Clark Adkins was diagnosed and/or treated at any facility for alcohol and/or chemical dependency or abuse to include all dates, names of treating health care professionals, name, address and telephone number of each facility, as well as Paul Clark Adkins’ drug of choice and each and

¹ The record does not reflect why, or at whose request, Dr. Adkins entered this program. Also, the ending date of the program is not set forth in the record. The Step I Consent Agreement with the Ohio Board simply states that the program began on October 10, 2004, and was completed successfully “in January 2005.” This suggests about three months of treatment, given that the Bradford documents show an admission date of January 16, 2005.

every reason for her appearance at each facility identified. Please supplement your response on additional pages if necessary.

(St. Ex. 7)

10. On or about March 23, 2005, Dr. Adkins answered Interrogatory 3 as follows, under oath:

Date(s)	Name(s) of health care provider and/or facility	Address and telephone number of provider/facility	Medications prescribed	Diagnosis and Drug of Choice
10/04 → 1/05	Randy Bowers LPCC, LICDC	Bellefonte Hosp. – Ashland, KY (606) 836-3148	∅	Drug Abuse -- Tussionex

(St. Ex. 7 at 5)

11. Dr. Adkins testified that she had thought she understood the question at the time, and that she had known she was answering the questions under oath and affirming that her answers were true and accurate. She recalled reading the instructions and questions carefully. Additionally, Dr. Adkins admitted that she had answered Interrogatory 3 about one month after leaving treatment at Bradford. (Tr. at 37-41; St. Ex. 7 at 23)

In explaining why she did not include the Bradford evaluation and treatment in her response to Interrogatory 3, Dr. Adkins stated that the North Carolina and West Virginia boards had told her that the Bradford treatment “didn’t count as anything, and I, unfortunately, didn’t have an attorney or anyone to assist me.” Dr. Adkins testified that, now, with her current understanding of Interrogatory 3, she realizes that the Bradford information needed to be included. (Tr. at 41-43)

June 2005 Step I Consent Agreement

12. On June 8, 2005, Dr. Adkins entered into a Step I Consent Agreement [Step I Agreement] with the Board in lieu of formal proceedings based upon her violations of R.C. 4731.22(B)(19), (B)(22), and (B)10), to wit: violations of R.C. 2925.22 (deception to obtain a dangerous drug) and R.C. 2925.23 (illegal processing of drug documents). The Step I Agreement suspended Dr. Adkins’ Ohio certificate for an indefinite period not less than 180 days, established terms and conditions for suspension, and also established conditions for reinstatement of her Ohio certificate. (St. Ex. 9)
13. Paragraph 2 of the Step I Agreement required Dr. Adkins to undergo a 72-hour inpatient evaluation for chemical dependency at a Board-approved treatment provider to determine whether she was impaired in violation of R.C. 4731.22(B)(26). (Tr. at 30; St. Ex. 9 at 4)

Paragraph 2 of the Step I Agreement also required that, “[p]rior to such 72-hour in-patient evaluation for chemical dependency, Dr. Adkins shall furnish the Board-approved treatment provider copies of * * * all treatment records related to her prior mental health care treatment, all records related to her prior substance abuse treatment, and other documentation that

Dr. Adkins or the Board may deem appropriate or helpful to the Board-approved treatment provider.” (St. Ex. 9)

Paragraph 10 of the Step I Agreement provided that, in the event that Dr. Adkins’ evaluation for chemical dependency resulted in a determination that she was impaired, the Board “shall not consider reinstatement of Dr. Adkins’ certificate to practice” until Dr. Adkins satisfied a number of conditions, including the following: successful completion of at least 28 days of inpatient or residential treatment at a Board-approved treatment provider; entry into and compliance with an aftercare contract; and two written reports from physicians knowledgeable in addictionology or affiliated with a current Board-approved treatment provider, finding that Dr. Adkins was capable of practicing according to acceptable and prevailing standards of care. (St. Ex. 9)

Moreover, in the event that Dr. Adkins’ evaluation for chemical dependency resulted in a determination that she was impaired, Dr. Adkins was also required to submit to the Board, for at least two years, annual progress reports stating whether she has maintained sobriety. (St. Ex. 9)

Three-Day Evaluation at St. Thomas Hospital, Summa Health Systems – June 2005

14. On June 21, 2005, Dr. Adkins was admitted to Ignatia Hall Acute Alcohol and Drug Treatment Center at St. Thomas Hospital (now Summa Health Systems) in Akron, Ohio, a board-approved treatment provider, for the 72-hour inpatient evaluation required by the Step I Agreement. She was evaluated by a team that included the Medical Director of the center, Victoria L. Sanelli, M.D., a board-certified psychiatrist who is certified by the American Society of Addiction Medicine.² (Tr. at 30, 77-78; St. Ex. 9 at 4; St. Ex. 2)
15. However, when Dr. Adkins provided her treatment records to St. Thomas Hospital as required by the Step I Agreement, she had omitted the records from Bradford in Alabama. (Tr. at 29-31)
16. At the hearing, Dr. Adkins acknowledged that her failure to provide the Bradford information was a violation of the Step I Agreement. She testified that, at the time of furnishing the records to St. Thomas Hospital, she had not believed she was obliged to provide the Bradford information because North Carolina and West Virginia board personnel, as well as NCPHP personnel, had “disregarded all of that.” She explained that NCPHP, the North Carolina Medical Board [North Carolina Board], and the West Virginia Board of Medicine [West Virginia Board] “did not consider this [the Bradford program] a treatment or even an evaluation.”³ (Tr. at 30-34)

²Dr. Sanelli earned her bachelor’s and master’s degrees from Ursuline College in Pepper Pike, Ohio, and received her medical degree from Northeastern Ohio University College of Medicine in 1996. She completed a psychiatry residency in 2001, received her board certification in psychiatry in 2003, and was certified in addiction medicine in 2004. Dr. Sanelli testified that she had been the medical director of the center at Summa since 2005. (Tr. at 77-78)

³ It was not made clear in the record why the Bradford evaluation and treatment would have been disregarded in some respect.

In addition, Dr. Adkins testified that she had made a “conscious decision” not to tell Dr. Sanelli about her evaluation at Bradford because she had “wanted a fair, unbiased evaluation.” Dr. Adkins testified that, when she had left Bradford, “one of the nurses there had said she would make sure I never practiced medicine as a physician again.” Dr. Adkins further testified that, in her first encounter with Dr. Sanelli in June 2005, she had told Dr. Sanelli that “other health care professionals had felt that I may need in-patient treatment,” but she “did not elaborate” on that statement. (Tr. at 43, 55; St. Ex. 4; St. Ex. 9 at 4)

First Report Letter from Dr. Sanelli -- July 2005

17. In a letter dated July 1, 2005, Dr. Sanelli set forth a diagnosis, based on the 72-hour evaluation, of “Opiate Abuse in Early Remission and Major Depressive Disorder – Moderate.” In the letter, Dr. Sanelli noted that Dr. Adkins had not used opiates since October 2004 and had successfully completed a treatment program at Bellefonte Hospital from October 2004 to January 2005, and that Dr. Adkins had been abstinent since then. (St. Ex. 2)

Dr. Sanelli stated that the evaluation team saw no need for “more intensive treatment.” However, the team recommended “abstinence from alcohol and substances of abuse, regular follow-up with her psychiatrist (Mary Mandell, M.D.), medications as prescribed by her psychiatrist, attendance at a minimum of three Alcoholics Anonymous [AA] meetings weekly, and weekly random Urine Drug Screens.” (Tr. at 76-80; St. Ex. 2)

Dr. Sanelli testified at the hearing by telephone. She stated that the team’s diagnosis had been based on “what [Dr. Adkins] told me and what the rest of the team was able to get from her as far as information and the documents that she presented.” Dr. Sanelli explained that, when she wrote the letter, the team had concluded that Dr. Adkins “was in good recovery and no longer needed any more treatment.” They had recommended that Dr. Adkins “should continue what she had been doing, which was seeing her psychiatrist and being monitored.” (Tr. at 79-80)

North Carolina Consent Order - August 2005

18. As noted above, Dr. Adkins had undergone an evaluation and inpatient treatment in January and February 2005 as required by NCPHP. In July 2005, Dr. Adkins met with a panel from the North Carolina Board to review her application to have her North Carolina license reinstated. She reported her participation in the outpatient program at Bellefonte and the inpatient program at Bradford. She also reported that she was continuing psychotherapy, attending AA meetings, and seeing a psychiatrist every two months. (St. Ex. 8 at 3-5)
19. On or about August 25, 2005, Dr. Adkins agreed to, and the North Carolina Board issued, a Consent Order, under which her North Carolina license was reinstated with restrictions. On the same date, Dr. Adkins entered into a treatment plan and monitoring agreement with NCPHP for “opioid dependence in remission.”⁴ (St. Ex. 8 at 3, Resp. Ex. I)

⁴ A copy of the North Carolina Consent Order (“N.C. Order”) was not adduced as evidence at the hearing. However, the West Virginia Consent Order, which is State’s Exhibit 8, recited and incorporated portions of the N.C. Order. In addition, Dr. Adkins’ treatment plan and monitoring agreement with NCPHP is present in the record as Respondent’s Exhibit I.

The NCPHP agreement requires monitoring for opioid dependence in remission, including the following: random drug screens, attendance at four self-help meetings per week, attendance at two Caduceus meetings per month, a log of these meetings to be provided to NCPHP each month, random visits by an NCPHP field coordinator, and monthly meetings with a monitor. The NCPHP agreement states that the intensive Stage I of the agreement will run for three years but may be lengthened or shortened at NCPHP's discretion, and it further states that an agreement for Stage II will run for two years thereafter. (St. Ex. 8 at 5; Resp. Ex. I)

Dr. Adkins testified that she must call an 800 number every day to find out whether she must provide a urine sample that day, and that her screenings average one per week. (Tr. at 105-106)

Dr. Sanelli's Second Report Letter -- November 2005

20. In addition to providing her report to the medical boards in Ohio, North Carolina, and West Virginia, Dr. Sanelli reported her findings to the Kentucky Medical Board, which was also investigating Dr. Adkins' conduct. Dr. Adkins authorized the Kentucky Physicians Health Foundation to contact Dr. Sanelli, which it did. During that contact, Dr. Sanelli learned, among other things, that Dr. Adkins had been evaluated and received inpatient treatment at Bradford. (Tr. at 63-64, 82-83, 94)
21. Upon learning that Dr. Adkins had withheld records and information regarding Bradford, and upon receiving additional records, Dr. Sanelli revised her earlier opinion. (Tr. at 84) She reported as follows in a letter dated November 8, 2005:

Please accept this letter as an amendment to my letter dated July [1], 2005 regarding the above named physician.⁵ * * * Based on the information available to me at that time, I determined that Dr. Adkins was not impaired and was capable of practicing medicine.

However, recently more information has been made available to me, information that Dr. Adkins did not share with the assessment team in June. Based upon this additional information I am modifying my opinion regarding her ability to practice medicine. **Dr. Adkins is impaired and is not capable of practicing medicine according to acceptable and prevailing standards of care without restrictions or limitation.** * * * (Emphasis in original)

(St. Ex. 3) At hearing, Dr. Sanelli stated that it was her opinion that Dr. Adkins could not practice without monitoring and supervision, due to her impairment. (Tr. at 85-86) Dr. Sanelli explained that she had concluded Dr. Adkins was impaired based on the records from Bradford and because Dr. Adkins had not been forthcoming and was "not being truthful" about her prior evaluation and treatment. Dr. Sanelli testified that Dr. Adkins was "at least showing impaired judgment." Accordingly, Dr. Sanelli could not say that Dr. Adkins "was without impairment

⁵ Dr. Sanelli stated that the date of her prior letter was "July 20," but she corrected that error during her testimony, stating that she had meant to refer to her prior letter of July 1, 2005.

at all,” and she concluded that Dr. Adkins “at least needed to be monitored * * * and supervised.” (Tr. at 83, 85; St. Ex. 3)

West Virginia Consent Order - November 2005

22. On or about November 30, 2005, Dr. Adkins entered into a Consent Order with the West Virginia Board. The West Virginia Board ordered that Dr. Adkins’ license will remain in inactive status until she demonstrated that she had obtained NCPHP advocacy, completed all treatment evaluations recommended by NCPHP, and maintained and complied with certain terms conditions for at least six months, including that she do the following: maintain a contract with NCPHP and comply with its terms; abstain from mind or mood-altering substances including alcohol; submit to random testing of her bodily fluids; attend AA, Narcotics Anonymous [NA], or Caduceus meetings at least three times each week, provide an attendance log for these meetings; maintain a sponsor in AA, NA or Caduceus; and provide written quarterly reports from her sponsor. In addition, the West Virginia Consent Order stated that, once Dr. Adkins’ license was reinstated, she must continue to comply with the Consent Order for two years. (St. Ex. 8 at 6-8)

Dr. Sanelli’s Third Report Letter - December 2005

23. In December 2005, Dr. Sanelli wrote to the Board twice to clarify the statements in her November 2005 letter. (St. Exs. 4-5) In a letter dated December 7, 2005, Dr. Sanelli wrote:

* * * Since my last communication more data has been made available to me. Some of the information was released to me, with Dr. Adkins’ permission, by Dr. Burns Brady with the Kentucky Physicians Health Foundation, Impaired Physicians Program. Other information was made available to me by Dr. Adkins herself but only after she became aware that I had amended my original letter * * *.

* * * Dr. Adkins presented to St. Thomas Hospital for a 72 hour evaluation. This evaluation occurred in June. She presented well, appeared to be forthcoming and presented documentation of her successful completion of an Intensive Outpatient Program at Our Lady of Bellefonte in Ashland, KY (October 2004-January 2005). Given the information that she was willing to make available to us at that time it appeared that she had her Opiate Abuse well in hand.

In early September 2005 I was contacted by Dr. Burns Brady from the Kentucky Physicians Health Foundation and made aware of much more information regarding her case, information that predated her 3 day evaluation but that she did not reveal during any interviews at our facility. This information included a four week residential treatment at Bradford Health Services in Alabama, psychological testing, a psychiatric assessment, and recommendations from Bradford that she receive 12 weeks of further treatment.

Although I believe Dr. Adkins is probably no longer using/abusing opiates and I believe that she is currently involved in random Urine Drug Screens, I cannot say beyond a reasonable doubt that she is NOT impaired in some way. Given her poor judgment in choosing to withhold information from me and my team, [and] given the fact that she only revealed some of this information to me after she became aware that Dr. Brady had contacted me, I must conclude that **there is at least impaired judgment.** (Emphasis in original)

At the very minimum she must be held accountable and must be scrutinized closely. I would suggest that she continue weekly random Urine Drug Screens, she must attend 3-5 AA/NA meeting per week, and be followed by a psychiatrist (seen monthly) and receive therapy with a therapist who has experience working with physicians.

(St. Ex. 4) At hearing, Dr. Sanelli explained why she had modified her opinion. She stated that, after issuing the November 2005 letter, she had spoken at length with Dr. Adkins, who sent more documentation regarding her current recovery program:

I reviewed all the documents that were now at my disposal, which I do believe is everything that is available, and I was able to determine from that that she had adequate treatment, she had more than adequate treatment, and it was becoming obvious to me that she was now in recovery, no longer abusing any substance, including alcohol, was being monitored, was going to meetings, was having urine drug screens and that now, *I no longer believe she is impaired because of her drug use. She showed impaired judgment* because she wasn't forthcoming in the month before when I met her. (Emphasis added)

(Tr. at 86-87) Dr. Sanelli testified, however, that the new information did *not* change her opinion that Dr. Adkins needed monitoring and supervision. (Tr. at 87)

Dr. Sanelli's Fourth Report Letter - December 2005

24. Dr. Sanelli testified that, pursuant to a request from a Board staff member, she provided further clarification in a letter dated December 13, 2005:

*** In my letter dated December 7th, I recommended that Dr. Adkins continue to participate in a monitoring program that includes random Urine Drug Screens, Alcoholics Anonymous meetings, therapy and Psychiatric appointments. These recommendations for a further monitoring and supervisions have been made because she has **a diagnosis of Opiate Abuse.** If she cooperates with these expectations, I believe she will have a better chance of maintaining sobriety and staying in recovery from her substance use disorder. (Emphasis in original)

I do believe that she has successfully completed treatment for her substance abuse issues; I understand that the State Medical Board has greater expectations in this regard.

(St. Ex. 5) At the hearing, Dr. Sanelli testified that Dr. Adkins can “only practice safely or according to standards if she had that monitoring” described in her December 2005 letters. (Tr. at 87)

Dr. Sanelli’s Fifth Report Letter – May 2006

25. Dr. Sanelli testified that, upon request from Board staff for a further report, she wrote as follows on May 5, 2006, regarding Dr. Adkins:

In my last letter to you (December 13, 2005) * * * I indicated that my recommendations were that she continue to be monitored and supervised for her substance use disorder. Although I confirm that that is my recommendation, I must add that I have not seen Dr. Adkins since June 2005 and have had no contact with her since December 2005 – and that was phone contact.

I can only “stand behind” the recommendations already made – if she has maintained sobriety, has been attending 12 Step meetings (Alcoholics Anonymous or Narcotics Anonymous), and has been monitored via Urine Drug Screens. If she has been doing this and has the documentation to verify it — then I confirm my original⁶ recommendations.

(St. Ex. 6) At hearing, Dr. Sanelli was asked whether, throughout this series of letters, she had maintained her opinion that Dr. Adkins requires “treatment and monitoring * * * in order to safely practice,” and she answered, “Yes.” (Tr. at 91) Dr. Sanelli explained her answer as follows:

I believe now that she has had adequate treatment, she’s no longer abusing drugs or alcohol based on documentation that I’ve seen, and that she is currently being monitored and supervised by the North Carolina Physician Health Programs.

(Tr. at 91)

26. Dr. Sanelli stated that, although her diagnosis was “opiate abuse,” she knew that one of the treatment providers had diagnosed Dr. Adkins with “opiate dependence.” Dr. Sanelli stated that opiate dependence is the more severe of the two diagnoses because, with chemical “dependence,” the person is always considered dependent and must abstain. In contrast, she said that there are “abusers that can actually step back away from their drug of choice and no longer use.” (Tr. at 92-93)

When Dr. Sanelli was asked whether the additional information she received after July 2005 had changed her diagnosis of opiate abuse, she answered:

No, it did not. But if she’s been diagnosed as dependent, then that supersedes my diagnosis. My diagnosis was based on the bits of information that she gave me.

⁶ Dr. Sanelli testified at hearing that this reference to her original recommendation was a reference to her letter of December 13, 2005. (Tr. at 97)

So based on what they know, I would trust their diagnosis, if that makes any sense.

(Tr. at 93) Dr. Sanelli further commented that Dr. Adkins' behavior in withholding information was "typical addict behavior, if you will, to color information, withhold, sort of sneak around, so in that way I guess it would change my opinion." Dr. Sanelli acknowledged that the information that Dr. Adkins had withheld was "very necessary information to me" and that Dr. Adkins' conduct was "more of a hallmark of the disease of dependence than abuse." (Tr. at 93-96)

27. Dr. Sanelli testified that the following terms and requirements would be "absolutely appropriate" for Dr. Adkins and would provide sufficient monitoring and supervision for Dr. Adkins to practice medicine within prevailing standards:

- Continue with the NCPHP contract until 2010.
- Continue to call the 800 number daily to find out whether she must submit a random urine sample for drug screening.
- Participate in drug screens that average one per week.
- Attend three to five Alcoholics Anonymous or Narcotics Anonymous meetings per week, of which two to four per month must be Caduceus meetings.
- Provide a monthly log of attendance at these meetings
- Meet quarterly with a psychiatrist who submits a quarterly report to NCPHP
- Meet monthly with a NCPHP field coordinator (who may or may not be a doctor) who visits her on the job for an interview, status update, and a face-to-face evaluation.

(Tr. at 100-102) The items listed above are terms and requirements imposed in the NCPHP monitoring agreement and required by the North Carolina Board. (Tr. at 104-106; St. Ex. 9, Resp. Ex. I).

Reinstatement Request and Current Status

28. In December 2005, Dr. Adkins requested reinstatement of her Ohio certificate under the Step I Consent Agreement. Dr. Adkins testified that, at that time, she was considering a position in Ohio, although she currently does not plan to practice in Ohio. She testified that it was still very important to have her Ohio certificate reinstated because, if she remains under suspension, she will lose her certification from the American College of Emergency Physicians and will be unable to work. She explained that, if she remains suspended under the Step I Agreement in Ohio, she will lose her board certification, which is a condition of her employment. (Tr. at 106-110)

29. Dr. Adkins currently has active medical licenses in West Virginia and North Carolina.⁷ In a letter dated May 26, 2006, the West Virginia Board notified Dr. Adkins that, based on the determination that she was in full compliance with its November 2005 Consent Order, her West Virginia medical license was returned to active status effective May 30, 2006. The West Virginia

⁷The record reflects that Dr. Adkins has held a medical license in Kentucky, but the record does not reflect the current status of that license. (St. Ex. 7 at 7-8)

Board further stated that Dr. Adkins remained subject to all terms of the Consent Order for two years. Dr. Adkins is currently practicing as an emergency room physician at Central Carolina Hospital in Sanford, North Carolina. She remains subject to the requirements of the West Virginia Consent Order, and she also remains subject to the terms and conditions imposed by the North Carolina Board, including the NCPHP agreement, until 2010. Dr. Adkins testified that, if she violates the monitoring agreement, NCPHP would notify the North Carolina Board, which would immediately revoke her license. (Tr. at 18, 48-51, 62, 110-111; Resp. Exs. F, H)

30. In a letter dated July 31, 2006, Kim McCallie, the Director of Program Operations at NCPHP, reported as follows:

Dr. Adkins remains compliant with all requirements of her monitoring agreement. NCPHP continues to receive reports from her current therapist and all urine drug screens have been negative. She remains in compliance with 12-Step attendance. Based on the above, NCPHP believes Dr. Adkins remains a safe and effective physician. We will continue to monitor her until August 2010.

(Resp. Ex. A)

31. In a letter dated August 28, 2006, Dr. Adkins' psychiatrist, Mary T. Mandell, M.D., provided a report letter stating that Dr. Adkins is "doing quite well" and is working about 36 hours per week as an emergency medicine physician in a "very positive work environment." Dr. Mandell opined that another 28-day treatment program "is not only unnecessary but also would be contraindicated as it would place Dr. Adkins at risk of losing her job." In addition, Dr. Mandell opined that resuming a normal work routine has been "very therapeutic" for Dr. Adkins.⁸ (Resp. Ex. B)
32. Franklin Hargett, M.D., and Ronald J. Powell, M.D., the co-presidents of Dr. Adkins' practice group in Sanford, North Carolina, wrote letters of support. Dr. Hargett stated that Dr. Adkins is a capable physician who has done an excellent job caring for many critically injured and acutely ill patients. Dr. Powell commended her work ethic, communication skills, and clinical judgment, noting that he and Dr. Hargett anticipated long-term employment of Dr. Adkins, whose rehabilitation had been successful to date. (Resp. Exs. B-E)
33. Dr. Adkins stated that she does not intend to practice in Ohio but that she would be willing to give written notice of intent to practice or reside in Ohio. Dr. Adkins signed an affidavit, agreeing to notify the Board of her intent to practice or reside in Ohio, to submit to an evaluation at her expense at that time if requested by the Board, and to refrain from commencing practice in Ohio without prior Board approval. (Tr. at 106-108; Resp. Ex. H)

FINDINGS OF FACT

1. On or about June 8, 2005, Dr. Adkins entered into a Step I Consent Agreement [Step I Agreement] with the Board in lieu of formal proceedings based upon her violations of R.C. 4731.22(B)(10), (B)(19), and (B)(22). The violation of R.C. 4731.22(B)(10) was based

⁸The State did not have the opportunity to cross-examine Kim McCallie or Drs. Mandell, Hargett, and Powell.

on conduct constituting a violation of R.C. 2925.22 (deception to obtain a dangerous drug) and R.C. 2925.23 (illegal processing of drug documents).

The Step I Agreement suspended Dr. Adkins' certificate to practice medicine and surgery in Ohio for an indefinite period of time not less than 180 days, established terms and conditions for the suspension, and also established conditions for reinstatement of her Ohio certificate.

The Step I Agreement required Dr. Adkins to undergo a 72-hour inpatient evaluation for chemical dependency at a Board-approved treatment provider to determine whether she was impaired in violation of R.C. 4731.22(B)(26) (authorizing disciplinary action based on "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excess use or abuse of drugs, alcohol, or other substances that impair ability to practice")

To date, Dr. Adkins remains subject to all terms, limitations and conditions of the Step I Agreement. Pursuant to that agreement, Dr. Adkins has requested reinstatement of her certificate, a request that remains pending at this time.

2. The Step I Agreement also required that, "[p]rior to such 72-hour in-patient evaluation for chemical dependency, Dr. Adkins shall furnish the Board-approved treatment provider copies of * * * all treatment records related to her prior mental health care treatment, all records related to her prior substance abuse treatment, and other documentation that Dr. Adkins or the Board may deem appropriate or helpful to the Board-approved treatment provider."

In June 2005, as required by the Step I Agreement, Dr. Adkins underwent a 72-hour, inpatient evaluation for chemical dependency at a Board-approved treatment provider, St. Thomas Hospital, for the purpose of determining whether Dr. Adkins was in violation of R.C. 4731.22(B)(26).

Although Paragraph 2 of the 2005 Step I Agreement required that Dr. Adkins furnish to St. Thomas Hospital, prior to the evaluation, copies of all records relating to her prior substance abuse treatment, Dr. Adkins withheld records that would have revealed that she had completed four weeks of residential treatment for chemical dependency at Bradford Health Services [Bradford] in Alabama and that Dr. Adkins had left treatment despite a recommendation for additional residential treatment.

Victoria L. Sanelli, M.D., Medical Director of Ignatia Hall Acute Alcohol and Drug Treatment Center at St. Thomas Hospital (now Summa Health System), initially reported in July 2005 that Dr. Adkins was not impaired. However, in November 2005, after learning that Dr. Adkins had withheld records and information regarding her treatment at Bradford Health Services, and upon receiving additional records regarding Dr. Adkins evaluation and treatment, Dr. Sanelli rendered the opinion that Dr. Adkins was not capable of practicing medicine according to acceptable and prevailing standards of care without restrictions and limitations. She has explained that these restrictions and limitations would consist of monitoring and supervision of Dr. Adkins.

Dr. Sanelli testified, and also reported in a letter dated May 5, 2006, that Dr. Adkins needs monitoring and supervision related to her substance abuse disorder in order to practice medicine according to acceptable and prevailing standards of care.

Further, Paragraph 10 of the Step I Agreement states that, in the event that Dr. Adkins' evaluation for chemical dependency resulted in a determination that Dr. Adkins was impaired, the Board shall not consider reinstatement of her certificate to practice until Dr. Adkins has satisfied certain reinstatement conditions, including, among other things, that Dr. Adkins has successfully completed at least twenty-eight days of inpatient or residential treatment at a Board-approved treatment provider; that she has entered into and is in compliance with an aftercare contract; and that she has obtained two written reports from physicians knowledgeable in addictionology or affiliated with a current Board-approved treatment provider, indicating that her ability to practice medicine has been assessed and that Dr. Adkins has been found capable of practicing according to acceptable and prevailing standards of care.

3. On or about March 23, 2005, in response to an interrogatory propounded by the Board, which required her to identify separately in detail each and every occasion on which Dr. Adkins had been diagnosed and/or treated at any facility for alcohol and/or chemical dependency or abuse, Dr. Adkins failed to identify the diagnosis and treatment for chemical abuse and/or chemical dependency that she had received from Bradford Health Services.
4. On or about November 30, 2005, Dr. Adkins entered into a Consent Order with the West Virginia Board of Medicine [West Virginia Order], which ordered that her license to practice medicine in that state would remain in inactive status until Dr. Adkins demonstrated her compliance with certain terms, including that she abstain from mind or mood-altering substances, submit to random testing of her bodily fluids, and attend Alcoholics Anonymous or similar meetings at least three times each week.

The West Virginia Order also set forth Findings of Fact and Conclusions of Law including that Dr. Adkins had requested reinstatement of her license in that state, that the West Virginia Board of Medicine determined that probable cause existed for maintaining her license in an inactive state due to her inability to practice medicine and surgery with reasonable skill and safety due to abuse of drugs; that the North Carolina Physicians Health Program had recommended that Dr. Adkins undergo inpatient treatment for chemical dependency and opiate abuse; and that Dr. Adkins reported that she had completed a four-week inpatient program at Bradford Health Services, as well as outpatient treatment in Kentucky.

5. Dr. Adkins is currently subject to a treatment plan and monitoring agreement until 2010 in North Carolina, where she resides. Her compliance is being monitored by the North Carolina Physicians Health Program pursuant to an order of the North Carolina Board. The NCPHP has reported full compliance and negative weekly urine screens to date. In addition, at the direction of the NCPHP, Dr. Adkins received an evaluation and four weeks of inpatient treatment Bradford Health Services in 2005, and the Ohio Board has been provided with Bradford's report of Dr. Adkins' evaluation, diagnosis, and treatment. Dr. Adkins' employer in North Carolina has stated its awareness of her impairment.

CONCLUSIONS OF LAW

1. Dr. Adkins' acts, conduct, and/or omissions as set forth above in Finding of Fact 2 constitute a "[v]iolation of the conditions of limitation placed by the [B]oard upon a certificate to practice," as that clause is used in R.C. 4731.22(B)(15).
2. Dr. Adkins' acts, conduct, and/or omissions as set forth above in Findings of Fact 2 and 3 constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in R.C. 4731.22(B)(5).
3. As set forth in Rule 4731-16-01, Ohio Administrative Code, and as recited in Paragraph 10 of the Step I Consent Agreement, the legal definition of "impairment" includes a licensee's "inability to practice in accordance with acceptable and prevailing standards of care without appropriate treatment, monitoring, or supervision."

Dr. Adkins' acts, conduct, and/or omissions as set forth above in Findings of Fact 2 through 4 establish the "[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).

4. Dr. Adkins' acts, conduct, and/or omissions as set forth above in Finding of Fact 3 constitute the "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in R.C. 4731.22(B)(10), to wit: Perjury under R.C. 2921.11.
5. The West Virginia Order, described above in Finding of Fact 4, constitutes an action "taken by the agency responsible for regulating the practice of medicine and surgery * * * in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in R.C. 4731.22(B)(22).
6. Dr. Adkins has not yet fulfilled all the conditions for reinstatement as set forth in the Step I Consent Agreement.

However, Rule 4731-16-12, Ohio Administrative Code, allows the Board to waive applicable provisions of Chapter 4731-16 regarding impairment when the licensee does not reside or practice in Ohio. In order to waive requirements, the Board must conclude that alternative means exist to protect the public. In the present matter, the factors listed in Rule 4731-16-12 establish alternative means to protect the public.

* * * * *

Impairment. With respect to the determination of “impairment” as defined in Rule 4731-16-01, the Hearing Examiner notes that Dr. Sanelli consistently stated, since receiving additional information following her July 2006 assessment, that monitoring and supervision are necessary for Dr. Adkins to practice medicine safely or in accordance with applicable standards. Dr. Sanelli’s opinion constitutes substantial, reliable, and probative evidence that Dr. Adkins currently has an “impairment” as defined by law.

Based on such impairment, and based on the Board’s Step I Consent Agreement and its administrative rules, the Board would ordinarily provide that the licensee must undergo inpatient treatment with a Board-approved treatment provider for 28 days. However, there is persuasive evidence that a further course of inpatient treatment is not the best approach in this case.

Rule 4731-16-12(A), Ohio Administrative Code, allows the Board to waive provisions of Chapter 4731-16 when the licensee does not reside or practice in Ohio. In order to waive the requirement for 28-days of inpatient treatment, the Board must first find that alternative means exist to protect the public.⁹ Rule 4731-16-12(A) lists factors for the Board to consider in making this determination,¹⁰ and all of them have been met in this case, as follows.

Dr. Adkins is currently subject to a comprehensive treatment plan and monitoring agreement in North Carolina until 2010, monitored by the North Carolina Physicians Health Program pursuant to an order of the North Carolina Board. The NCPHP has reported full compliance and negative weekly urine screens to date. Thus, Dr. Adkins is being monitored by the proper licensing authority in North Carolina, where she resides. In addition, she has received an evaluation and four weeks of inpatient treatment from a treatment provider acceptable to the North Carolina Board, Bradford Health Services, and the Ohio Board has been provided with the Bradford report

⁹ Rule 4731-16-12, titled “Out-of-state impairment cases,” provides as follows:

(A) If the board orders a certificate holder who neither resides nor practices in Ohio to submit to an evaluation under division (B)(26) of section 4731.22 of the Revised Code * * *, or commences disciplinary proceedings against such a certificate holder based on an alleged violation of [R.C. 4731.22(B)(26) or other specified divisions] * * *, the board may waive any or all applicable provisions of this chapter of the Administrative Code, if it finds that alternative means exist to protect the public.

¹⁰ Rule 4731-16-12(A) further provides:

Factors the board may consider in determining whether the public will be adequately protected include, but are not limited to, the following: (1) Whether the certificate holder is being monitored by the proper licensing authority in the jurisdiction where the certificate holder resides; (2) Whether the certificate holder has received or is receiving evaluation and treatment from a treatment provider acceptable to the proper licensing authority in the jurisdictions where the certificate holder resides, and whether the treatment provider has agreed to report to the board on the certificate holder's diagnosis and progress in treatment, and to provide the board copies of all reports required to be submitted to the licensing authority in the jurisdiction where the certificate holder resides, if requested by the board; (3) Whether the certificate holder is being monitored by a monitoring or advocacy group acceptable to the proper licensing authority in the jurisdiction where the certificate holder resides; (4) Whether the certificate holder's employer or professional associates are aware of the certificate holder's impairment or alleged impairment.

of Dr. Adkins' evaluation, diagnosis, and treatment. Further, Dr. Adkins' employer in North Carolina is aware of her impairment.

Moreover, Dr. Sanelli opined that Dr. Adkins does not need further treatment other than the treatment included in the terms and conditions required in the NCPHP contract (set forth in the bulleted list in Summary paragraph 27, above). Similarly, Dr. Adkins' treating psychiatrist, Dr. Mandell, has stated that another 28-day treatment program is not necessary and that resuming a normal work routine has been very therapeutic for Dr. Adkins. In addition, under the orders and agreements in North Carolina and West Virginia, Dr. Adkins has regained her licenses to practice in each of those states.

Under these circumstances, the Board may find that alternative means exist to protect the public and may waive the additional 28-day course of inpatient treatment and the additional written report regarding her ability to practice, as required under Rules 4731-16-02(B)(4)(a), (B)(4)(c), and (B)(5). Therefore, the Board has authority to reinstate Dr. Adkins' Ohio certificate based on the evidence at hearing, subject to the terms and conditions set forth in Rule 4731-16-12(A).¹¹

Deception. As set forth above, Dr. Adkins failed to tell the truth when answering the Board's interrogatory, and she failed to provide full information to St. Thomas Hospital prior to her 72-hour evaluation, as required by her Step I Consent Agreement. The Hearing Examiner believes that Dr. Adkins consciously chose to withhold the information in both instances. In addition, the Hearing Examiner is concerned that this deception occurred after Dr. Adkins had been in recovery for more than a year. At the hearing, it appeared clear to the Hearing Examiner that Dr. Adkins does not yet have a full understanding of her deceptive conduct and was minimizing it unduly.

Although the Hearing Examiner accepts that deception regarding opiate dependency and/or abuse may well be a symptom of the disorder, the deception cannot be overlooked. A reprimand and a requirement of ethics courses are warranted at the very least.

A suspension would likely throw Dr. Adkins out of work and disrupt her recovery, which, under the circumstances, is not advised. Similarly, imposing an array of terms for a probationary period is not necessary at present due to the monitoring and supervision in North Carolina. If and when Dr. Adkins seeks to practice medicine in Ohio again, the Board will have the opportunity to approve a treatment plan and/or practice plan under which Dr. Adkins may practice.

¹¹ Rule 4731-16-12 further provides:

(B) Grant of a waiver or waivers pursuant to this rule shall be conditioned on the certificate holder agreeing by a signed notarized statement to notify the board in writing of any intent to practice medicine or reside in Ohio, to submit to an evaluation by an approved treatment provider at the certificate holder's expense at that time if requested by the board, and to refrain from commencing practice in Ohio without prior board approval.

(C) A certificate holder who neither resides nor practices in Ohio who is diagnosed or treated for chemical dependency outside Ohio must report that diagnosis or treatment in renewing his or her certificate. A certificate holder who neither resides nor practices in Ohio who relapses must report that relapse immediately, as required by rule 4731-15-01 of the Administrative Code.

PROPOSED ORDER

It is hereby ORDERED that:

- A. APPLICATION FOR REINSTATEMENT GRANTED:** The application of Paula Clark Adkins, M.D., for reinstatement of her certificate to practice medicine and surgery in Ohio is GRANTED.
- B. REPRIMAND:** Dr. Adkins is REPRIMANDED.
- C. PROBATION:** The certificate of Dr. Adkins to practice medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least four years:
- Obey the Law:** Dr. Adkins shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which she is practicing.
 - Declarations of Compliance:** Dr. Adkins 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 Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 - Declarations of Compliance with Consent Order with North Carolina:** Dr. Adkins shall comply with the Consent Order of the North Carolina Medical Board [North Carolina Board] and the treatment plan and monitoring agreement that she entered into with North Carolina Physicians Health Program (NCPHP).

Dr. Adkins shall submit declarations under penalty of Ohio Board disciplinary action or criminal prosecution stating whether she has complied with all the terms, conditions, and limitations imposed by the North Carolina Board and NCPHP. Moreover, Dr. Adkins shall cause to be submitted to the Ohio Board copies of any reports that she submits to the North Carolina Board whenever the North Carolina Board requires such submission. Dr. Adkins shall ensure that the declarations of compliance with her Consent Order with the North Carolina Board and any copies of reports are forwarded to the Ohio Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Adkins' quarterly declaration.
 - Declarations of Compliance with Recovery Contract:** At the same time that Dr. Adkins submits her quarterly declarations as set forth in paragraphs C.2 and C.3, above, she shall also submit declarations under penalty of Ohio Board disciplinary action or criminal prosecution stating whether she has complied with all the terms, conditions, and limitations imposed by her agreement with the North Carolina Physicians Health Program [NCPHP]. Moreover, Dr. Adkins shall cause to be submitted to the Ohio Board copies of any reports that she has submitted to the NCPHP

since the time of submitting her prior quarterly declaration, and shall cause NCPHP to certify to the Ohio Board on a quarterly basis Dr. Adkins' compliance with her NCPHP agreement. In addition, Dr. Adkins shall describe any modification of the terms of her NCPHP agreement. Dr. Adkins shall ensure that the declarations of compliance with her NCPHP agreement and related documentation as described above are forwarded to the Ohio Board on a quarterly basis and are received in the Ohio Board's offices no later than the due dates for Dr. Adkins' quarterly declarations.

5. **Notification of Termination of Recovery Contract** : If the NCPHP should terminate Dr. Adkins' agreement before Dr. Adkins completes the expected term of that contract, the Board may place Dr. Adkins under additional terms, conditions, or limitations as set forth in paragraph C.10, below.
6. **Personal Appearances**: Dr. Adkins shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Dr. Adkins shall also appear upon her request for termination of the probationary period, and/or as otherwise requested by the Board.
7. **Abstention from Drugs**: Dr. Adkins shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of Dr. Adkins' history of chemical dependency.
8. **Abstention from Alcohol**: Dr. Adkins shall abstain completely from the use of alcohol.
9. **Personal/Professional Ethics Course**: Before the end of the second year of probation, or as otherwise approved by the Board, Dr. Adkins shall provide acceptable documentation of successful completion of a course or courses dealing with personal and professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Adkins submits the documentation of successful completion of the course or courses dealing with personal and professional ethics, she shall also submit to the Board a written report describing the course, setting forth what she learned from the course, and identifying with specificity how she will apply what she has learned to her practice of medicine in the future.

10. **Refrain from Commencing Practice in Ohio**: Dr. Adkins shall refrain from commencing practice in Ohio without prior written Board approval. Moreover, should Dr. Adkins commence practice in Ohio, the Board may place her certificate under additional probationary terms, conditions, or limitations, including the following, for the duration of her probation:

- a. **Random Drug/Alcohol Screening; Supervising Physician:** Dr. Adkins shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Prior to Dr. Adkins' commencement of practice in Ohio, Dr. Adkins shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Dr. Adkins 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. Adkins. Dr. Adkins 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. Adkins 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 Order, 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. Adkins must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Adkins 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. Adkins's quarterly declaration. It is Dr. Adkins' responsibility to ensure that reports are timely submitted.

- b. **Rehabilitation Program:** Dr. Adkins 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, unless otherwise determined by the Board. Substitution of any other specific program must receive prior Board approval. Dr. Adkins 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. Adkins' quarterly declarations.

- c. **Contact Impaired Physicians Committee**: Dr. Adkins shall contact an appropriate impaired physicians committee, approved by the Board, to arrange for assistance in recovery or aftercare.
- D. TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Adkins' certificate will be fully restored.
- E. RELEASES**: Dr. Adkins shall provide continuing 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. Adkins' chemical dependency and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluations occurred before or after the effective date of this Order. 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. Adkins shall also provide the Board written consent permitting any treatment provider from whom Dr. Adkins 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 Order.
- F. REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS**: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Adkins shall provide a copy of this Order 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. Adkins shall provide a copy of this Order 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.
- G. REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES**: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Adkins shall provide a copy of this Order 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. Adkins shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which she applies for any professional license or reinstatement or restoration or restoration of any professional license. Further, Dr. Adkins shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.
- H. SUPERSEDE PREVIOUS CONSENT AGREEMENT**: This Order shall supersede the terms and conditions set forth in the June 8, 2005, Step I Consent Agreement between Dr. Adkins and the Board.

Report and Recommendation
In the Matter of Paula Clark Adkins, M.D.
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EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of notification of approval by the Board.



Patricia A. Davidson
Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF MARCH 14, 2007

REPORTS AND RECOMMENDATIONS

Dr. Kumar announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Paula Clark Adkins, M.D.; Thomas Leon Gemmer, P.A.; Jeffrey Michael Halter, M.D.; Jeffrey Vaughn Meyer, M.D.; Alan J. Parks, M.D.; Arthur Richard Schramm, M.D.; Philip L. Creps, D.O.; Mark Allen Davis, M.T.; Basma Ricaurte, M.D.; Albert W. Smith, III, M.D.; and Lovsho Phen, M.D. A roll call was taken:

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

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

Dr. Kumar - aye

Dr. Kumar noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. They may, however, participate in the matters of Dr. Halter and Dr. Ricaurte, as those cases are not disciplinary in nature and concern only the doctors' qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

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

PAULA CLARK ADKINS, M.D.

.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF PAULA CLARK ADKINS, M.D. DR. BUCHAN SECONDED THE MOTION.

.....

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.



State Medical Board of Ohio

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May 10, 2006

Paula Clark Adkins, M.D.
4387 5th Street Road
Huntington, WV 25701

Dear Doctor Adkins:

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

- (1) On or about June 8, 2005, you entered into a Step I Consent Agreement [2005 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon your violations of Sections 4731.22 (B)(19), (B)(22), and (B)(10), Ohio Revised Code, to wit: Deception to Obtain a Dangerous Drug, Section 2925.22, Ohio Revised Code, and Illegal Processing of Drug Documents, Section 2925.23, Ohio Revised Code. The 2005 Step I Consent Agreement suspended your certificate for an indefinite period of time, but not less than 180 days, set conditions you must meet while your certificate is suspended, and established certain conditions that you must satisfy for reinstatement of your certificate, including that you undergo a 72-hour in-patient evaluation for chemical dependency at a Board-approved treatment provider for the purpose of determining whether you are in violation of Section 4731.22(B)(26), Ohio Revised Code, to wit: "[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." To date you remain subject to all terms, limitations and conditions of the 2005 Step I Consent Agreement, a copy of which is attached hereto and fully incorporated herein.

Pursuant to the 2005 Step I Consent Agreement, you have requested reinstatement of your certificate to practice medicine and surgery. Such request for reinstatement remains pending at this time.

Mailed 5-11-06

- (2) In or about June 2005, as required by the 2005 Step I Consent Agreement, you underwent a 72-hour in-patient evaluation for chemical dependency at a Board-approved treatment provider, St. Thomas Medical Center, for the purpose of determining whether you are in violation of Section 4731.22(B)(26), Ohio Revised Code. Paragraph 2 of the 2005 Step I Consent Agreement requires that prior to such evaluation, you shall furnish the treatment provider with copies of all records related to your prior substance abuse treatment. Despite this requirement, you withheld from the treatment provider records that would have revealed that you had completed four weeks of residential treatment for chemical dependency at Bradford Health Services [Bradford Hospital], an Alabama facility, and that you had left treatment after additional residential treatment was recommended.

Although Victoria L. Sanelli, M.D., Medical Director of St. Thomas Medical Center, initially reported that you were not impaired, after learning that you had withheld the records and information regarding your treatment at Bradford Hospital, Dr. Sanelli subsequently reported that you were not capable of practicing medicine according to acceptable and prevailing standards of care without restrictions or limitations. On or about May 5, 2006, Dr. Sanelli further reported that you need monitoring and supervision related to your substance abuse issues in order to practice medicine according to acceptable and prevailing standards of care. As stated in Paragraph 10 of the 2005 Step I Consent Agreement, pursuant to Rule 4731-16-01, Ohio Administrative Code, impairment includes inability to practice in accordance with acceptable and prevailing standards of care without appropriate treatment, monitoring, or supervision.

Further, pursuant to Paragraph 10 of the 2005 Step I Consent Agreement, in the event that your evaluation for chemical dependency results in a determination that you are impaired, the Board shall not consider reinstatement of your certificate to practice until you have satisfied certain reinstatement conditions, including, *inter alia*, that you have successfully completed at least twenty-eight days of in-patient or residential treatment at a Board-approved treatment provider; that you have entered into and are in compliance with an aftercare contract; and that you have obtained two written reports from physicians knowledgeable in addictionology or affiliated with a current Board-approved treatment provider, indicating that your ability to practice medicine has been assessed and that you have been found capable of practicing according to acceptable and prevailing standards of care.

- (3) On or about March 2, 2005, in response to an interrogatory the Board had propounded to you requiring you to identify separately in detail each and every occasion on which you were diagnosed and/or treated at any facility for alcohol and/or chemical dependency or abuse, you failed to identify the diagnosis and

treatment for chemical abuse and/or chemical dependency that you received from Bradford Hospital.

- (4) On or about November 30, 2005, you entered into a Consent Order with the West Virginia Board of Medicine [West Virginia Consent Order], which ordered that your license to practice medicine in that state shall remain in inactive status until you demonstrate your compliance with certain terms, including that you abstain from mind or mood-altering substances, that you submit to random testing of your bodily fluids, and that you attend A.A. or similar meetings at least three times each week. The West Virginia Consent Order also set forth certain Findings of Fact and Conclusions of Law, including that you had requested reinstatement of your license in that state; that the West Virginia Board of Medicine determined that probable cause existed for maintaining your license in an inactive state due to your inability to practice medicine and surgery with reasonable skill and safety due to abuse of drugs; that the North Carolina Physicians Health Program had recommended that you undergo inpatient treatment for chemical dependency and opiate abuse; and that you reported that you had completed a four-week inpatient program at Bradford Hospital, as well as four weeks of outpatient treatment in Kentucky. A copy of the West Virginia Consent Order is attached hereto and fully incorporated herein.

As alleged in paragraphs (1) and (2) above, you have requested reinstatement of your certificate to practice medicine and surgery in Ohio, but have failed to fulfill the applicable requisite conditions for reinstatement as set forth in the 2005 Step I Consent Agreement.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” 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 (2) and (3), above, individually and/or collectively, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (2) through (4) above, individually and/or collectively, constitute “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,” as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute “[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Perjury, Section 2921.11, Ohio Revised Code.

Further, the West Virginia Consent Order, as alleged in paragraph (4) above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

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

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

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

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an 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,

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", with a stylized flourish at the end.

Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4330 8605
RETURN RECEIPT REQUESTED

cc: Kevin P. Byers, Esq.
107 South High Street
Suite 400
Columbus, OH 43215-3456

CERTIFIED MAIL # 7003 0500 0002 4330 8599
RETURN RECEIPT REQUESTED

STEP I
CONSENT AGREEMENT
BETWEEN
PAULA CLARK ADKINS, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO

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

Dr. Adkins 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), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation of Section 4731.22(B)(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;” Section 4731.22(B)(19), Ohio Revised Code, “[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;” and/or Section 4731.22(B)(22), Ohio Revised Code, “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Sections 4731.22(B)(19), (B)(22), and (B)(10), Ohio Revised Code, to wit; Deception to Obtain a Dangerous Drug, Section 2925.22, Ohio Revised Code, and Illegal Processing of Drug Documents, Section 2925.23, Ohio Revised Code Ohio, as set forth in Paragraph E 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. Adkins is licensed to practice medicine and surgery in the State of Ohio, License # 35.072775.
- D. Dr. Adkins states that she is also currently licensed to practice medicine and surgery in the State of West Virginia and the Commonwealth of Kentucky.
- E. Dr. Adkins admits that in the General Court of Justice, District Court Division, in Moore County, North Carolina, on or about September 9, 2004, she entered a plea of guilty to misdemeanor common law forgery related to her acts of fraudulently issuing a prescription for Tussionex in the name of a neighbor and obtaining such medication for self-use through deception. Dr. Adkins further admits she had also written several additional prescriptions for Tussionex in the name of the aforementioned neighbor for which she was not criminally charged, and that she obtained a portion of such medication for self-use. Dr. Adkins further admits that her aforementioned conduct in North Carolina would constitute felonies if committed in Ohio. Further, Dr. Adkins admits that during or about September 2004, she surrendered her license to practice medicine and surgery in the State of North Carolina related to her misdemeanor conviction.

Dr. Adkins admits that she has been under the care of a psychiatrist since during or about July 2003 for the treatment of depression, for which she is currently prescribed Wellbutrin XL, and that she has a history of recurrent depression and anxiety. Dr. Adkins states, and the Board acknowledges receipt of information to support, that Dr. Adkins' treating North Carolina psychiatrist has opined that Dr. Adkins' misuse of Tussionex was a form of self-medicating to treat her increasing anxiety, but that she does not have a significant substance abuse problem. Dr. Adkins further states, and the Board acknowledges receipt of information to support, that after relocating to West Virginia, Dr. Adkins entered the Intensive Outpatient Substance Abuse Program at Our Lady of Bellefonte Hospital in Ashland, Kentucky, on or about October 10, 2004, successfully completing treatment during or about January 2005, and that a licensed therapist affiliated with the program has opined that although Dr. Adkins has been diagnosed with Opioid Abuse, she does not meet the clinical criteria for a diagnosis of substance dependence.

Dr. Adkins attests that she currently neither resides nor practices in Ohio.

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

SUSPENSION OF CERTIFICATE

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

Chemical Dependency Evaluation

2. Within thirty days of the effective date of this Consent Agreement, or as otherwise determined by the Board, Dr. Adkins shall undergo and complete a 72-hour in-patient evaluation for chemical dependency, in conformance with Rule 4731-16-05, Ohio Administrative Code, at a Board-approved treatment provider for the purpose of determining whether she is in violation of Section 4731.22(B)(26), Ohio Revised Code, to wit: “[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.” Dr. Adkins shall be solely responsible for the expense of this evaluation, and shall ensure that the Board-approved treatment provider forwards a written report to the Board within fourteen days following completion of such evaluation.

Prior to such 72-hour in-patient evaluation for chemical dependency, Dr. Adkins shall furnish the Board-approved treatment provider copies of this Consent Agreement, all treatment records related to her prior mental health care treatment, all records related to her prior substance abuse treatment, and any other documentation that Dr. Adkins or the Board may deem appropriate or helpful to the Board-approved treatment provider.

Sobriety

3. Dr. Adkins 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. Adkins’s psychiatric history and history of substance abuse.
4. Dr. Adkins shall abstain completely from the use of alcohol.

Releases; Quarterly Declarations and Appearances

5. Dr. Adkins 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. Adkins’s substance abuse, mental health 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. Adkins 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.

6. Dr. Adkins 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.
7. Dr. Adkins 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

8. Dr. Adkins shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Adkins 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. Adkins 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. Adkins shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Adkins 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. Adkins. Dr. Adkins 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. Adkins 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. Adkins must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Adkins 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. Adkins's quarterly declaration. It is Dr. Adkins's responsibility to ensure that reports are timely submitted.

Psychiatric Treatment

9. Within thirty days of the effective date of this Consent Agreement, Dr. Adkins shall submit to the Board for its prior approval the name and qualifications of a psychiatrist of her choice. Upon approval by the Board, Dr. Adkins shall undergo and continue psychiatric treatment at least once every twelve weeks or as otherwise directed by the Board. Dr. Adkins shall comply with her psychiatric treatment plan, including taking medications as prescribed and/or ordered for her psychiatric disorder. Dr. Adkins 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. The psychiatric reports shall contain information describing Dr. Adkins' current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Adkins' compliance with her treatment plan; Dr. Adkins' mental status; Dr. Adkins' progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Adkins shall ensure that her treating psychiatrist immediately notifies the Board of her failure to comply with her psychiatric treatment plan and/or any determination that Dr. Adkins is unable to practice due to her psychiatric disorder. It is Dr. Adkins' responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Adkins' quarterly declaration.

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

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

CONDITIONS FOR REINSTATEMENT

10. The Board shall not consider reinstatement of Dr. Adkins's certificate to practice medicine and surgery until all of the following conditions are met:
 - a. Dr. Adkins shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Adkins 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. In the event that the chemical dependency evaluation referenced in paragraph 2 above results in a determination that Dr. Adkins is impaired in her 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, certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Adkins has successfully completed any required inpatient treatment, including 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, completed consecutively, and 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.

Pursuant to Rule 4731-16-01, Ohio Administrative Code, "impairment" means 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. Impairment includes inability to practice in accordance with such standards, and inability to practice in accordance with such standards without appropriate treatment, monitoring or supervision.

- ii. In the event that the chemical dependency evaluation referenced in paragraph 2 above results in a determination that Dr. Adkins is impaired in her 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, two written reports indicating that Dr. Adkins's ability to practice has been assessed and that she 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. Adkins. Prior to the assessments, Dr. Adkins 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. Adkins, and any conditions, restrictions, or limitations that should be imposed on Dr. Adkins'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.

- iii. Evidence of continuing full compliance with this Consent Agreement.
- iv. One written report indicating that Dr. Adkins' ability to practice has been assessed and that she has been found capable of practicing according to acceptable and prevailing standards of care. This report shall be made by the treating psychiatrist referenced in paragraph 9 above, or by another psychiatrist approved in advance by the Board, who shall conduct a psychiatric examination of Dr. Adkins. Prior to the examination, Dr. Adkins 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. Adkins' practice; and the basis for the psychiatrist's determinations.

The report required pursuant to this paragraph shall be based upon an examination occurring within the three months immediately preceding any application for reinstatement.

- c. Dr. Adkins shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Adkins are unable to agree on the terms of a written Consent Agreement, then Dr. Adkins 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. Adkins'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, in the event that the chemical dependency evaluation referenced in paragraph 2 above results in a determination that Dr. Adkins is impaired in her 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, upon termination of the consent agreement or Board Order, Dr. Adkins 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. Adkins has maintained sobriety.

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

REQUIRED REPORTING BY LICENSEE

12. Within thirty days of the effective date of this Consent Agreement, Dr. Adkins 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. Adkins 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. Adkins 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. Adkins 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. Adkins 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. Adkins 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. Adkins 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. Adkins 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. Adkins 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.



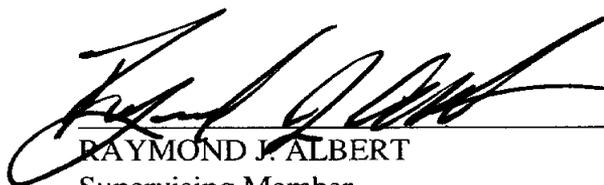
PAULA CLARK ADKINS, M.D.



LANCE A. TALMAGE, M.D.
Secretary

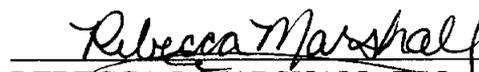
5/31/05
DATE

6-8-05
DATE



RAYMOND J. ALBERT
Supervising Member

6/8/05
DATE



REBECCA J. MARSHALL, ESQ.
Enforcement Attorney

June 2, 2005
DATE

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: PAULA CLARK ADKINS, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Paula Clark Adkins, M.D. ("Dr. Adkins") freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code §30-3-14, *et seq.*

FINDINGS OF FACT

1. Dr. Adkins currently holds an inactive license to practice medicine and surgery in the State of West Virginia, License No. 21581 and the address of record with the Board of Dr. Adkins is in Huntington, West Virginia.
2. The Board's Complaint Committee initiated a Complaint against Dr. Adkins in November, 2004, based upon a disciplinary action report from the North Carolina Medical Board, indicating that Dr. Adkins had surrendered her medical license in North Carolina in August, 2004.
3. On or about November 23, 2004, Dr. Adkins responded in writing to the Board's initiated Complaint in which she stated that she was practicing medicine in West Virginia where she had recently moved.

OHIO STATE MEDICAL BOARD

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4. In addition, Dr. Adkins stated in her response that she had been accused of writing prescriptions for “cough syrup” for neighbors in North Carolina; to which she pleaded guilty to a “misdemeanor forgery”.

5. On May 25, 2005, Dr. Adkins voluntarily requested in writing that her license to practice medicine and surgery in the State of West Virginia be placed in an inactive status.

6. Dr. Adkins’ license to practice medicine and surgery in West Virginia was placed in inactive status effective May 25, 2005, at 5:00 p.m.

7. Subsequently, on or about May 31, 2005, Dr. Adkins requested in writing that her license to practice medicine and surgery in West Virginia be placed back in active status; said request stated that she was in a rehabilitation facility at a North Carolina Physicians Health Program approved by the North Carolina Medical Board.

8. In addition, Dr. Adkins’ above mentioned request also stated that her North Carolina application for reinstatement was being held until a Consent Order could be signed, and she requested an appearance before the Complaint Committee (“Committee”) of the West Virginia Board of Medicine.

9. Dr. Adkins received by certified mail a letter dated June 10, 2005, from Ronald D. Walton, Executive Director of the Board notifying her that she was scheduled for the July 9 – 10, 2005, Committee meeting, but that she needed to submit the following:

- a. Any and all treatment records from all individuals and facilities that have rendered treatment to Dr. Adkins or where Dr. Adkins has received treatment from July, 2003, to present.

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b. All treatment records must be submitted directly to the Board from the individuals and facilities.

c. Dr. Adkins was required to submit any and all information relative to her licensure status from the North Carolina Medical Board.

d. All documents related to Dr. Adkins' prescriptive drug fraud case in North Carolina.

All above stated documents were requested to be received in the Board's office on or before June 24, 2005.

10. On or about August 29, 2005, the Board received a copy of a Consent Order entered into between Dr. Adkins and the North Carolina Medical Board on August 25, 2005.

11. The West Virginia Board of Medicine incorporates by reference the following findings from the North Carolina Medical Board's Consent Order, that:

a. On August 4, 2004, Dr. Adkins was charged by Pinehurst, North Carolina law enforcement officials with one (1) count of obtaining a controlled substance by false pretense and eight (8) of attempting to obtain controlled substances by false pretenses, and;

b. On September 9, 2004, Dr. Adkins pleaded guilty in Moore County District Court to nine (9) misdemeanor counts of common law forgery arising out of the above stated charges for

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which Dr. Adkins received a suspended sentence and probation;

c. Subsequently, Dr. Adkins submitted herself to an assessment by the North Carolina Physicians Health Program (“NCPHP”) and it was their recommendation that Dr. Adkins undergo residential inpatient treatment for chemical dependency and opiate abuse;

d. Dr. Adkins and the North Carolina Medical Board entered into a Consent Order on June 3, 2005, indefinitely suspending her North Carolina license to practice medicine, and;

e. Dr. Adkins applied to have her North Carolina license reinstated and met with the North Carolina Medical Board’s panel on July 21, 2005, to discuss her licensing application;

f. During said interview, Dr. Adkins reported that she completed a four (4) week outpatient program in Kentucky, and a four (4) week inpatient program at Bradford Hospital;

g. Dr. Adkins stated that she is continuing psychotherapy and AA meetings and is seeing a psychiatrist every two (2) months in Pinehurst, North Carolina.

12. The Consent Order entered into between Dr. Adkins and the North Carolina Medical Board grants her a license to practice medicine and surgery with certain restrictions and limitations.

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13. The West Virginia Board of Medicine has determined that, under the West Virginia Medical Practice Act, granting Dr. Adkins an active license to practice medicine and surgery in the State of West Virginia without certain conditions and restrictions could adversely affect the health and welfare of a patient.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to West Virginia Code §30-3-14(c) to protect the public interest.

2. Pursuant to West Virginia Code §30-3-14(c)(21), probable cause exists to maintain Dr. Adkins' license to practice medicine and surgery in an inactive status due to "the inability to practice medicine and surgery... with reasonable skill and safety due to... abuse of drugs..."

CONSENT

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

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

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

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

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

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

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the foregoing consent of Dr. Adkins, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. That Dr. Adkins' license to practice medicine and surgery in the State of West Virginia shall remain **INACTIVE** until she demonstrates that she has obtained the North Carolina Physicians Health Program's ("NCPHP") advocacy, completed any and all treatment evaluations recommended by the NCPHP, and complied with the following terms of this Consent Order for a period of at least six (6) months.

2. Dr. Adkins shall maintain a contract with NCPHP and abide by its terms, including the timely payment of any fees required by NCPHP.

OHIO STATE MEDICAL BOARD

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3. Unless lawfully prescribed for her by someone other than herself, Dr. Adkins shall refrain from the use of all mind-or mood-altering substances, including alcohol. Dr. Adkins shall notify the Board in writing within ten (10) days of her use of such substance. This notice shall include, but shall not be limited to, identification of the prescriber and of the pharmacy filling the prescription.

4. Dr. Adkins shall submit to random and unannounced testing of her bodily fluids in a manner approved by the Board, at her own expense, the results of which shall be promptly forwarded to the Board by Dr. Adkins' supervising physician.

5. Dr. Adkins must continue to attend Narcotics Anonymous, Alcoholics Anonymous, or Caduceus on a regular basis, at least three (3) such meetings each week.

6. Dr. Adkins shall keep a log of her attendance at such meetings in a hand-held, spiral notebook, which log shall be reviewed periodically by her supervising physician and may be reviewed at the discretion of the Board at any time.

7. Dr. Adkins shall seek and maintain a sponsor in Alcoholics Anonymous, Narcotics Anonymous, or Caduceus who shall be permitted to review her log referenced in the preceding paragraph, and who shall meet with Dr. Adkins, at least once every thirty (30) days.

8. Such sponsor shall file written reports with the Board every calendar quarter confirming Dr. Adkins' required attendance at Alcoholics Anonymous, Narcotics Anonymous, or Caduceus meetings with such sponsor.

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9. It is Dr. Adkins' responsibility to assure that the Board timely receives test results, and all other documentation required by this Consent Order or otherwise requested by the Board.

10. A copy of this Consent Order shall be presented by Dr. Adkins to any employer or health care medical facility in West Virginia where Dr. Adkins intends to practice medicine. Dr. Adkins shall also provide a copy of this Consent Order to her Alcoholics Anonymous, Narcotics Anonymous, or Caduceus sponsor.

11. Dr. Adkins shall obey all federal, state and local laws, and all rules governing the practice of medicine in the State of West Virginia.

12. Dr. Adkins shall notify the Board in writing of any change in her residence or practice address within ten (10) days of the change.

13. Unless Dr. Adkins complies with all the terms of this Consent Order, her license to practice medicine and surgery in the State of West Virginia will remain INACTIVE.

14. Upon placement of her license into Active status, by the Board, upon her petition for the same, and satisfaction of the above requirements, Dr. Adkins shall continue to comply with all terms of this Consent Order for a period of two (2) years, unless another Consent Order is entered into by the parties.

15. The failure of Dr. Adkins to comply with any of the terms of this Consent Order shall constitute grounds for the revocation of her license to practice medicine and surgery in West Virginia.

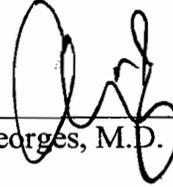
16. This Consent Order shall take effect upon the date of entry.

OHIO STATE MEDICAL BOARD

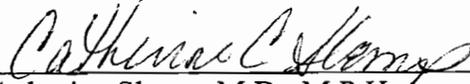
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Entered this 30th day of November, 2005.

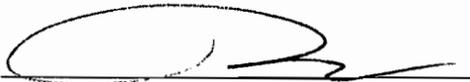
WEST VIRGINIA BOARD OF MEDICINE



Angelo N. Georges, M.D.
President



Catherine Slemp, M.D., M.P.H.
Secretary



PAULA CLARK ADKINS, M.D.

Date: 11/22/05

OHIO STATE MEDICAL BOARD

JAN 05 2006

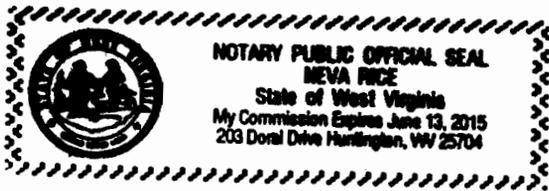
STATE OF WV

COUNTY OF Wayne

I, NEVA RICE, a Notary Public for said county and state do hereby certify that Paula Clark Adkins, M.D., whose name is signed on the previous page has this day acknowledged the same before me.

Given under my hand this 22 day of Nov, 2005.

My commission expires June 13, 2015.



NEVA RICE
Notary Public

OHIO STATE MEDICAL BOARD

JAN 05 2006

STEP I
CONSENT AGREEMENT
BETWEEN
PAULA CLARK ADKINS, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO

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

Dr. Adkins 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), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation of Section 4731.22(B)(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;” Section 4731.22(B)(19), Ohio Revised Code, “[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;” and/or Section 4731.22(B)(22), Ohio Revised Code, “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Sections 4731.22(B)(19), (B)(22), and (B)(10), Ohio Revised Code, to wit; Deception to Obtain a Dangerous Drug, Section 2925.22, Ohio Revised Code, and Illegal Processing of Drug Documents, Section 2925.23, Ohio Revised Code Ohio, as set forth in Paragraph E 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. Adkins is licensed to practice medicine and surgery in the State of Ohio, License # 35.072775.
- D. Dr. Adkins states that she is also currently licensed to practice medicine and surgery in the State of West Virginia and the Commonwealth of Kentucky.
- E. Dr. Adkins admits that in the General Court of Justice, District Court Division, in Moore County, North Carolina, on or about September 9, 2004, she entered a plea of guilty to misdemeanor common law forgery related to her acts of fraudulently issuing a prescription for Tussionex in the name of a neighbor and obtaining such medication for self-use through deception. Dr. Adkins further admits she had also written several additional prescriptions for Tussionex in the name of the aforementioned neighbor for which she was not criminally charged, and that she obtained a portion of such medication for self-use. Dr. Adkins further admits that her aforementioned conduct in North Carolina would constitute felonies if committed in Ohio. Further, Dr. Adkins admits that during or about September 2004, she surrendered her license to practice medicine and surgery in the State of North Carolina related to her misdemeanor conviction.

Dr. Adkins admits that she has been under the care of a psychiatrist since during or about July 2003 for the treatment of depression, for which she is currently prescribed Wellbutrin XL, and that she has a history of recurrent depression and anxiety. Dr. Adkins states, and the Board acknowledges receipt of information to support, that Dr. Adkins' treating North Carolina psychiatrist has opined that Dr. Adkins' misuse of Tussionex was a form of self-medicating to treat her increasing anxiety, but that she does not have a significant substance abuse problem. Dr. Adkins further states, and the Board acknowledges receipt of information to support, that after relocating to West Virginia, Dr. Adkins entered the Intensive Outpatient Substance Abuse Program at Our Lady of Bellefonte Hospital in Ashland, Kentucky, on or about October 10, 2004, successfully completing treatment during or about January 2005, and that a licensed therapist affiliated with the program has opined that although Dr. Adkins has been diagnosed with Opioid Abuse, she does not meet the clinical criteria for a diagnosis of substance dependence.

Dr. Adkins attests that she currently neither resides nor practices in Ohio.

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

SUSPENSION OF CERTIFICATE

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

Chemical Dependency Evaluation

2. Within thirty days of the effective date of this Consent Agreement, or as otherwise determined by the Board, Dr. Adkins shall undergo and complete a 72-hour in-patient evaluation for chemical dependency, in conformance with Rule 4731-16-05, Ohio Administrative Code, at a Board-approved treatment provider for the purpose of determining whether she is in violation of Section 4731.22(B)(26), Ohio Revised Code, to wit: “[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.” Dr. Adkins shall be solely responsible for the expense of this evaluation, and shall ensure that the Board-approved treatment provider forwards a written report to the Board within fourteen days following completion of such evaluation.

Prior to such 72-hour in-patient evaluation for chemical dependency, Dr. Adkins shall furnish the Board-approved treatment provider copies of this Consent Agreement, all treatment records related to her prior mental health care treatment, all records related to her prior substance abuse treatment, and any other documentation that Dr. Adkins or the Board may deem appropriate or helpful to the Board-approved treatment provider.

Sobriety

3. Dr. Adkins 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. Adkins’s psychiatric history and history of substance abuse.
4. Dr. Adkins shall abstain completely from the use of alcohol.

Releases; Quarterly Declarations and Appearances

5. Dr. Adkins 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. Adkins’s substance abuse, mental health 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. Adkins 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.

6. Dr. Adkins 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.
7. Dr. Adkins 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

8. Dr. Adkins shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Adkins 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. Adkins 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. Adkins shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Adkins 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. Adkins. Dr. Adkins 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. Adkins 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. Adkins must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Adkins 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. Adkins's quarterly declaration. It is Dr. Adkins's responsibility to ensure that reports are timely submitted.

Psychiatric Treatment

9. Within thirty days of the effective date of this Consent Agreement, Dr. Adkins shall submit to the Board for its prior approval the name and qualifications of a psychiatrist of her choice. Upon approval by the Board, Dr. Adkins shall undergo and continue psychiatric treatment at least once every twelve weeks or as otherwise directed by the Board. Dr. Adkins shall comply with her psychiatric treatment plan, including taking medications as prescribed and/or ordered for her psychiatric disorder. Dr. Adkins 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. The psychiatric reports shall contain information describing Dr. Adkins' current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Adkins' compliance with her treatment plan; Dr. Adkins' mental status; Dr. Adkins' progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Adkins shall ensure that her treating psychiatrist immediately notifies the Board of her failure to comply with her psychiatric treatment plan and/or any determination that Dr. Adkins is unable to practice due to her psychiatric disorder. It is Dr. Adkins' responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Adkins' quarterly declaration.

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

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

CONDITIONS FOR REINSTATEMENT

10. The Board shall not consider reinstatement of Dr. Adkins's certificate to practice medicine and surgery until all of the following conditions are met:
 - a. Dr. Adkins shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Adkins 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. In the event that the chemical dependency evaluation referenced in paragraph 2 above results in a determination that Dr. Adkins is impaired in her 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, certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Adkins has successfully completed any required inpatient treatment, including 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, completed consecutively, and 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.

Pursuant to Rule 4731-16-01, Ohio Administrative Code, "impairment" means 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. Impairment includes inability to practice in accordance with such standards, and inability to practice in accordance with such standards without appropriate treatment, monitoring or supervision.

- ii. In the event that the chemical dependency evaluation referenced in paragraph 2 above results in a determination that Dr. Adkins is impaired in her 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, two written reports indicating that Dr. Adkins's ability to practice has been assessed and that she 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. Adkins. Prior to the assessments, Dr. Adkins 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. Adkins, and any conditions, restrictions, or limitations that should be imposed on Dr. Adkins'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.

- iii. Evidence of continuing full compliance with this Consent Agreement.
- iv. One written report indicating that Dr. Adkins' ability to practice has been assessed and that she has been found capable of practicing according to acceptable and prevailing standards of care. This report shall be made by the treating psychiatrist referenced in paragraph 9 above, or by another psychiatrist approved in advance by the Board, who shall conduct a psychiatric examination of Dr. Adkins. Prior to the examination, Dr. Adkins 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. Adkins' practice; and the basis for the psychiatrist's determinations.

The report required pursuant to this paragraph shall be based upon an examination occurring within the three months immediately preceding any application for reinstatement.

- c. Dr. Adkins shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Adkins are unable to agree on the terms of a written Consent Agreement, then Dr. Adkins 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. Adkins'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, in the event that the chemical dependency evaluation referenced in paragraph 2 above results in a determination that Dr. Adkins is impaired in her 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, upon termination of the consent agreement or Board Order, Dr. Adkins 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. Adkins has maintained sobriety.

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

REQUIRED REPORTING BY LICENSEE

12. Within thirty days of the effective date of this Consent Agreement, Dr. Adkins 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. Adkins 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. Adkins 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. Adkins 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. Adkins 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. Adkins 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. Adkins 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. Adkins 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. Adkins 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.



PAULA CLARK ADKINS, M.D.



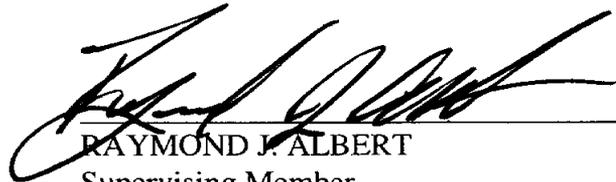
LANCE A. TALMAGE, M.D.
Secretary

5/31/05

DATE

6-8-05

DATE



RAYMOND J. ALBERT
Supervising Member

6/8/05

DATE



REBECCA J. MARSHALL, ESQ.
Enforcement Attorney

June 2, 2005

DATE