

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO  
GENERAL DIVISION

FINAL APPEALABLE ORDER

DARRELL A. HALL, M.D. :  
Appellant, :  
vs. :  
THE STATE MEDICAL BOARD :  
OF OHIO :  
Appellee. :

CASE NO. 10 CVF-11-17248  
JUDGE DANIEL T. HOGAN

FILED  
COMMON PLEAS COURT  
FRANKLIN CO., OHIO  
2011 APR 26 AM 9:10  
CLERK OF COURTS  
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DECISION AND ENTRY AFFIRMING THE NOVEMBER 12, 2010  
ORDER OF THE STATE MEDICAL BOARD OF OHIO

Rendered this 25<sup>th</sup> day of April 2011

HOGAN, J.

This matter is before this Court pursuant to R.C. 119.12 from a November 12, 2010 Order of the State Medical Board of Ohio (“Board”) permanently revoking appellant’s medical license. The Board found that appellant had violated R.C. 4731.22(B)(24) when he voluntarily surrendered his Drug Enforcement Administration (“DEA”) certificate of registration after the DEA, the Ohio Attorney General and the Toledo police department conducted an investigation and executed a search warrant at his medical office located in Toledo, Ohio.

**FACTS AND PROCEDURAL HISTORY**

The investigation by law enforcement revealed that the appellant’s DEA registration certificate had been used to order several hundred thousand pills of controlled medications on an annual basis. The investigation also revealed that at one point approximately 60 patients per day would visit appellant’s medical office. Tr. 13. The appellant admitted that he was aware that some of this medication was being diverted. Tr. 65.

In a letter dated October 14, 2009, the Board notified appellant that it had proposed to take disciplinary action against his license to practice medicine and surgery in Ohio. The Board charged the appellant with violating R.C. 4731.22(B)(24), asserting that his act of voluntarily surrendering her DEA registration certificate was a termination of that certificate as defined by the statute. See 4731.22(B)(24). A violation of R.C. 4731.22(B)(24) permits the Board to take disciplinary action against a medical licensee for the “termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of Justice.” See R.C. 4731.22(B)(24).

The record demonstrates that on June 19, 2009, appellant signed a voluntary surrender of his controlled substances privileges. See State’s Exhibit 2, Voluntary Surrender Of Controlled Substances Privileges form dated June 19, 2009. The surrender form signed by appellant states that he acknowledged that the reason he is surrendering his privileges “[I]n view of my desire to terminate handling of controlled substances listed in schedule(s) II-V.” See State’s Exhibit 2, Voluntary Surrender Of Controlled Substances Privileges form dated June 19, 2009.

In May 2009, DEA Agent Scott Kurtz, other DEA agents, the State’s Attorney General, and Toledo local law enforcement executed a search warrant at Dr. Hall’s practice, EDM Services, located in Toledo, Ohio. Tr. 53, 114-115. The search warrant was issued as a result of a two and a half year investigation which revealed that appellant’s DEA registration certificate had been used to order “several hundred thousand pills” on an annual basis. The Toledo police department informed the DEA that large amounts of prescription pills were being prescribed and diverted.

An administrative hearing was conducted by the Board on August 26, 2010. The Hearing Examiner, Danielle Blue, filed her Report and Recommendation on September 24, 2010. She

recommended to the Board that “[T]he certificate of Darrell A. Hall, M.D., to practice allopathic medicine and surgery in the State of Ohio is hereby PERMANENTLY REVOKED.” See September 24, 2010 Report and Recommendation. The Board rendered its order at its November 10, 2010 meeting after reviewing the entire record. The Board adopted the report and recommendation of the hearing examiner, finding that the appellant’s act of surrendering his DEA registration certificate led to the immediate termination of that registration certificate and thus, was a violation of R.C. 4731.22(B)(24).

The Board voted to permanently revoke appellant’s medical license. See November 24, 2010 Entry of Order. The Board’s order was mailed November 12, 2010 and appellant perfected this timely appeal. This Court denied the appellant’s request for a stay. See January 12, 2010 Decision and Entry Denying Motion For Stay.

#### **STANDARD OF REVIEW**

R.C. § 119.12 sets forth the standard of review a common pleas court must follow when reviewing an administrative appeal. R.C. 119.12 provides in pertinent part:

The court may affirm the order of the agency complained of in the appeal if it finds, upon consideration of the entire record and such additional evidence as the court has admitted, that the order is supported by reliable, probative and substantial evidence and is in accordance with law.

In *Our Place* the Ohio Supreme Court provided the following definition of reliable, probative and substantial evidence as:

(1) ‘Reliable’ evidence is dependable; that is, it can be confidently trusted. In order to be reliable, there must be a reasonable probability that the evidence is true. (2) ‘Probative’ evidence is evidence that tends to prove the issue in question; it must be relevant in determining the issue. (3) ‘Substantial’ evidence is evidence with some weight; it must have importance and value.

*Our Place, Inc. v. Ohio Liquor Comm.* (1992), 63 Ohio St. 3d 570, 571.

Once the common pleas court has determined that the administrative agency’s order is

supported by reliable, probative and substantial evidence, the court must then determine whether the order is in accordance with law. See R.C. § 119.12. The reviewing court cannot substitute its judgment for the agency's decision where there is some evidence supporting the decision. See *Harris v. Lewis* (1982), 69 Ohio St. 2d 577, 579; see also *University of Cincinnati v. Conrad* (1980), 63 Ohio St. 2d 108.

## LAW AND ARGUMENT

The appellant does not set forth any assignments of error in his brief. Thus, this Court will review the record to determine if the Board's November 12, 2010 Order is supported by reliable, probative and substantial evidence and is in accordance with law.

The appellant asserts that without an admission, the Board may not revoke his medical license absent a showing of substantial evidence. The undisputed fact is that the appellant voluntarily surrendered his DEA controlled substance privileges on June 19, 2009. See State's Exhibit 2, "Voluntary Surrender of Controlled Substances Privileges" form dated February 19, 2008. The surrender form, which appellant admitted that he signed voluntarily after seeking legal advice, indicates that he was surrendering his privileges "[I]n view of my desire to terminate handling of controlled substances listed in schedule(s) II-V:" See State's Exhibit 2, "Voluntary Surrender Of Controlled Substances Privileges" form dated February 19, 2008; see also Tr. 47-48.

The appellant argues that this surrender does not constitute a violation of R.C. 4731.22(B)(24). However, R.C. 4731.22(B)(24) states, in pertinent part, as follows:

The [state medical] board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice...for one or more of the following reasons:

(24) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of

defense or department of veterans affairs *or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice.* (Emphasis added).

The appellant argues that he was charged by the Board, specifically, with his voluntary surrender of his certificate of registration, and that, since that surrender does not constitute the “termination or suspension of a certificate of registration to prescribe drugs...”, the decision below is not in accordance with law. The appellant relies on the holdings in *Korn v. Ohio State Medical Board* (1988), 61 Ohio App. 3d 677, 682 and *Urella v. State Medical Board* (1997), 118 Ohio App. 3d 555, 563.<sup>1</sup>

Appellant’s argument is without merit. While it is true that a voluntary surrender, in and of itself, may not constitute the termination or suspension, it is equally true that the surrender of the certificate of registration constitutes authority for the administrator of the Drug Enforcement Administration to terminate and revoke the appellant’s registration, which was, in fact, precisely what happened. The DEA’s acceptance of the appellant’s surrender directly and proximately caused, with the knowing and written consent of appellant, the official termination and revocation of his certificate of registration to handle and prescribe controlled substances. Clearly, the appellant has no legal authority to terminate his own registration; that must be done, and can only be done, by the DEA administrator.

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<sup>1</sup> The appellant’s reliance on the holding of *Urella* is misplaced and thus, not applicable. The facts in *Urella* demonstrate that the disciplinary action was based on a foreign state’s (New York) disciplinary action. In the facts *sub judicie* there was a two and a half year investigation that culminated in a search of the appellant’s medical office. The case before this Court involves facts and circumstances that occurred in Ohio and the Board applied an Ohio statute in permanently revoking the appellant’s license to practice medicine and surgery in Ohio. Likewise, the appellant’s reliance on the holding of *Korn* can be distinguished. In *Korn*, the court reversed the decision on the basis that there was no evidence to support that the physician had allegedly abused illegal drugs. The facts in *Korn* can be distinguished from the case herein since *Korn* involved the physician’s alleged personal use of drugs. In the case before this Court, the sole issue and legal conclusion is that Dr. Hall violated R.C. 4731.22(B)(24) when he voluntarily surrendered his DEA certificate of registration.

The Report and Recommendation of the hearing officer lists precisely one legal issue: whether the voluntary surrender fits within the meaning of R.C. 4731.22(B)(24). The sole "Finding of Fact" in the hearing examiner's Report and Recommendation specifically relates to appellant's voluntary surrender of his registration:

On June, 2009, Darrell A.Hall, M.D. executed a Voluntary Surrender of Controlled Substances Privileges to the U.S. Department of Justice-Drug Enforcement Administration [DEA] after being contacted in May 2009 by DEA investigators.

Thus, there were two issues before the Board: whether there was a violation of R.C. 4731.22(B)(24), and if so, whether the recommended sanction was appropriate and thus, in accordance with law. Based on the foregoing, this Court finds that the November 12, 2010 Order of the State Medical Board is supported by reliable, probative and substantive evidence and is in accordance with law. Accordingly, the Order is hereby **AFFIRMED**.

 4-25-11  
Daniel T. Hogan, Judge

Copies to:

Kenneth Phillips, Esq.  
412 Fourteenth Street  
Toledo, Ohio 43624  
Counsel for Appellant

Michael DeWine, Esq.,  
Kyle Wilcox Esq.,  
Attorney General Office  
Health and Human Services Section  
State Office Tower  
30 East Broad Street, 26<sup>th</sup> Floor  
Columbus, Ohio 43215-3428  
Counsel for Appellee State Medical Board of Ohio

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

Ohio State Medical Board,

Plaintiff

v.

Case No. 10CVF-17248 (Hogan, J.)

Dr. Darrell Hall,

Defendant

**DECISION AND ENTRY DENYING**  
**DR. HALL'S MOTION TO STAY**  
**FILED 11/23/2010**

Dr. Hall's 11/23/2010 Motion to Stay is DENIED.

  
DANIEL T. HOGAN, JUDGE

Copies to:

Ohio State Medical Board  
Plaintiff

Kenneth W. Phillips  
Counsel for Defendant

FILED  
COMMON PLEAS COURT  
FRANKLIN CO., OHIO  
2011 JAN 12 PM 1:48  
CLERK OF COURTS

STATE MEDICAL BOARD  
OF OHIO  
2011 JAN 14 AM 11:15

JAN 14 2011

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

DIVISION FROM WHICH YOU ARE APPEALING

State Medical Board of Ohio  
30 E. Broad Street  
Third Floor  
Columbus, Ohio 43215-6127  
PLAINTIFF'S NAME AND ADDRESS

10CVF 11 17248

Vs.

CASE NUMBER 09-CRF-130

Dr. Darrell A. Hall  
316 N. Michigan Street  
Suite 400  
Toledo, Ohio 43604  
DEFENDANT'S NAME AND ADDRESS

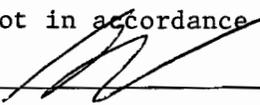
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COMMON PLEAS COURT  
FRANKLIN COUNTY, OHIO  
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CLERK OF COURTS

Notice is hereby given that Dr. Darrell Hall hereby appeals to the  
(PARTY NAME)

Court of Common Pleas of Franklin County, Ohio, from the final

judgment entry of the State Medical Board entered on 11-10-10.  
(NAME OF TRIAL COURT) (DATE)

The agencies order is not supported by reliable, probative and substantial evidence and is not in accordance with law.

  
Kenneth W. Phillips  
412 Fourteenth Street  
Toledo, Ohio 43604  
NAME AND ADDRESS

2010 DEC -2 PM 1:33  
STATE MEDICAL BOARD  
OF OHIO



# 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

November 10, 2010

Darrell A. Hall, M.D.  
316 N. Michigan St., Suite 400  
Toledo, OH 43604

RE: Case No. 09-CRF-130

Dear Doctor Hall:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Danielle R. Blue, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 10, 2010, 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 must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. 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



Darshan Mahajan, M.D.  
Acting Secretary

LAT:jam  
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3934 3487 5928  
RETURN RECEIPT REQUESTED

Cc: Kenneth W. Phillips, Esq.  
CERTIFIED MAIL NO. 91 7108 2133 3934 3487 5935  
RETURN RECEIPT REQUESTED

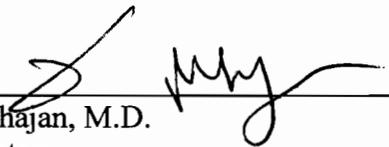
*Mailed 11-12-10*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Danielle R. Blue, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 10, 2010, 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 Darrell A. Hall, M.D., Case No. 09-CRF-130, as it appears in the Journal of the State Medical Board of Ohio.

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

(SEAL)

  
\_\_\_\_\_  
Darshan Mahajan, M.D.  
Acting Secretary

November 10, 2010  
\_\_\_\_\_  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

CASE NO. 09-CRF-130

DARRELL A. HALL, M.D.

\*

ENTRY OF ORDER

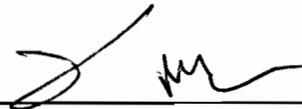
This matter came on for consideration before the State Medical Board of Ohio on November 10, 2010.

Upon the Report and Recommendation of Danielle R. Blue, 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:

The certificate of Darrell A. Hall, M.D., to practice allopathic medicine and surgery in the State of Ohio is hereby PERMANENTLY REVOKED.

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



\_\_\_\_\_  
Darshan Mahajan, M.D.  
Acting Secretary

(SEAL)

\_\_\_\_\_  
November 10, 2010  
Date

2009 SEP 24 11:11:00

**BEFORE THE STATE MEDICAL BOARD OF OHIO****In the Matter of**

\*

**Case No. 09-CRF-130****Darrell A. Hall, M.D.,**

\*

**Hearing Examiner Blue****Respondent.**

\*

**REPORT AND RECOMMENDATION****Basis for Hearing:**

By letter dated October 14, 2009, the State Medical Board of Ohio [Board] notified Darrell A. Hall, M.D., that it intended to determine whether to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its proposed action on an allegation that Dr. Hall had voluntarily surrendered his Controlled Substances Privileges to the Drug Enforcement Agency [DEA] because of his desire to terminate handling of controlled substances listed in schedules II-V. Further, the Board charged that the voluntary surrender constitutes “\* \* \* the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice,” as set forth in Ohio Revised Code Section [R.C.] 4731.22(B)(24). Accordingly, the Board advised Dr. Hall of his right to request a hearing in this matter. By letter filed on November 12, 2009, Dr. Hall requested a hearing. (State’s Exhibits [St. Exs.] 1A-1C)

**Appearances:** Richard Cordray, Attorney General, and Melinda Snyder, Assistant Attorney General, for the State of Ohio. Kenneth Phillips, Esq., on behalf of Dr. Hall.

**Hearing Date:** August 26, 2010

**SUMMARY OF THE EVIDENCE**

All evidence admitted in this matter, even if not specifically mentioned, was thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

**Background Information**

1. Darrell A. Hall, M.D., graduated from Wright State University School of Medicine in 1995. Dr. Hall testified that he received a scholarship to medical school from the National Health Service Corps [NHSC] in exchange for a three year-commitment to work as a primary care physician in an underserved area after graduation. After residency, Dr. Hall served as a primary care physician for the NHSC in Toledo, Ohio. After two and a half years in the program, Dr. Hall testified he was suspended from the practice of

medicine by the Board for impairment.<sup>1</sup> After his reinstatement, Dr. Hall stated he worked at an urgent care in Archbold, Ohio, and then in November 2003, he conducted home patient visits. In January 2004, Dr. Hall opened up his own practice, EDM Health Services. Dr. Hall was licensed to practice medicine and surgery in Ohio in 1997. Dr. Hall specializes in family practice. (Ohio e-License Database, <https://license.ohio.gov/lookup>, September 15, 2010; Hearing Transcript [Tr.] at 10-11, 63, 83-84)

2. Currently, Dr. Hall is practicing at EDM Health Services in Toledo. He described his practice as an adult-oriented family practice. Dr. Hall testified he employs one nurse practitioner, and currently sees 10 to 15 patients each day. (Tr. at 9-10, 78)

#### **EDM Health Services**

3. When EDM Health Services first opened in January 2004, Dr. Hall testified he would see 10-15 patients per day. However, Dr. Hall testified that, by October 2004, his patient load had increased to 60 patients per day as the result of referrals from local physicians who had stopped prescribing controlled substances. Dr. Hall stated that “most of the patients required controlled substances” such as Oxycodone, Percocet, OxyContin, Valium, and Xanax. (Tr. at 10, 13, 16-18, 23-24, 30)
4. Dr. Hall testified that in October 2004, he acquired 130 new patients in one day when Dr. Leo Ognen went out of practice.<sup>2</sup> On the following weekend, Dr. Hall testified that an investigator from the Board and two DEA agents showed up at his office to talk about “what was going on in some of the patients” and how to manage the new influx in patients.<sup>3</sup> Dr. Hall testified that the Board Investigator and DEA were most concerned about diversion and “doctor shopping.” Dr. Hall stated that they offered the following suggestions on to how to deal with the increase in patients: urine or blood toxicology screens, a thorough physical examination, record review, and documentation of each encounter. Dr. Hall testified that he incorporated those suggestions into his practice as well as sending his patients out on pain management referrals. However, Dr. Hall stated that the pain management specialist would then send the patients back to him. (Tr. at 23, 27-30, 32)
5. As a result of the increase in patients, Dr. Hall testified that he increased his staff to two nurse practitioners, ten medical assistants, and three intermediate managers. (Tr. at 17)

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<sup>1</sup> In April 2001, Dr. Hall entered into a Step I Consent Agreement [2001 Agreement] with the Board. In the 2001 Agreement, Dr. Hall admitted he was chemically dependent on alcohol, Oxycontin, and Phenergan. In August 2002, Dr. Hall entered into a Step II Consent Agreement with the Board. Dr. Hall was released from probation by the Board on October 10, 2007. (Ohio e-License Database, <https://license.ohio.gov/lookup>, September 23, 2010)

<sup>2</sup> Dr. Hall testified that Dr. Ognen went out of practice for “violation of prescribing practices.” (Tr. at 16)

<sup>3</sup> Dr. Hall acknowledged he was still on probation with the Board at this time. (Tr. at 28)

6. Dr. Hall admitted he was aware that diversion was occurring by his patients and testified that “we seem to have attracted every con artist in the State.” But, he testified that he attempted to stop the diversion by retesting his patients, finding out what metabolite was present, and then recommending substance abuse treatment. He testified that he would see the patient again after treatment. If the patient did not seek treatment, Dr. Hall testified he would discharge them by sending them a letter. (Respondent [Resp.] Ex. B; Tr. at 15, 34, 65-66)
7. Dr. Hall denied that he ever sold a patient a prescription, wrote a prescription for other than medical purposes, or received kickbacks for writing a prescription. However, in regard to his prescribing practices, he testified that he “was more realistic” in prescribing controlled substances than his “conservative” colleagues in Toledo. (Tr. at 14-16, 57, 65)

#### **DEA Investigation**

8. Scott Kurtz, a DEA Diversion Investigator, testified that he oversaw an investigation into Dr. Hall for two and a half years beginning in 2007. Agent Kurtz testified that the DEA was informed by the Toledo Police “that a lot of prescription pills were being prescribed at Dr. Hall’s office, and then subsequently being diverted.” (Tr. at 91-92)
9. Agent Kurtz testified that the DEA sent in two undercover sources to pose as patients to “go through the process of receiving a controlled substance prescription from Dr. Hall.”<sup>4</sup> He testified that both sources noted heavy pedestrian traffic in the waiting room, lengthy waits, a “zoo-like atmosphere,” occasional toxicology screens, short examinations, and prewritten prescriptions sometimes already signed. Dr. Hall admitted that a lot of the prescriptions were already made out before he entered the examination room. (Tr. at 20, 94-99)
10. Agent Kurtz testified that Source 1 was provided a “prescription for a controlled substance for the sprained ankle with little examination being conducted” on the first visit. He testified that Source 1 was provided prescriptions for Percocet or Oxycodone, Oxycontin 80 mg and Valium. Agent Kurtz testified that Source 2 complained of knee pain and was prescribed Vicodin and Oxycodone or Oxycontin. (Tr. 94-97)
11. Based on his investigation and the Ohio Automated Prescription Reporting System (OARRS) database, Agent Kurtz testified that Dr. Hall wrote a high number of prescriptions that was close to “several hundred thousand pills” on an annual basis. Agent Kurtz likened that number of prescriptions to the typical number issued at a “large medical center.” Dr. Hall testified that he was told that he was prescribing more controlled substances than any other family doctor in the State. (Tr. at 68, 108-109, 117)

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<sup>4</sup> Source 1 was a patient of Dr. Hall and Source 2 was a Toledo Police Officer. (Tr. at 92, 102)

12. In May 2009, Agent Kurtz, other DEA agents, the State's Attorney General, and local law enforcement executed a search warrant at Dr. Hall's practice. (Tr. at 53)

### Voluntary Surrender

13. On June 19, 2009, Dr. Hall signed a Voluntary Surrender of Controlled Substances Privileges [Voluntary Surrender]. (Tr. at 21; St. Ex. 2) The executed form states in relevant part:

After being fully advised of my rights, and understanding that I am not required to surrender my controlled substances privileges, I freely execute this document and choose to take the action described herein.

In view of my alleged failure to comply with the Federal requirements pertaining to controlled substances, and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part;

In view of my desire to terminate handling of controlled substances listed in schedule(s) II-V;

I hereby voluntarily surrender my Drug Enforcement Administration Certificate of Registration, unused order forms, and all my controlled substances listed in schedule(s) II-V as evidence of my agreement to relinquish my privilege to handle controlled substances listed in schedule(s) II-V. Further, **I agree and consent that this document shall be authority for the Administrator of the Drug Enforcement Administration to terminate and revoke my registration without an order to show cause, a hearing, or any other proceedings, (and if not all controlled substances privileges are surrendered, be issued a new registration certificate limited to schedule(s) \_\_\_\_\_).**

\* \* \*

(St. Ex. 2, Emphasis Added)

14. Agent Kurtz witnessed Dr. Hall's signature. Agent Kurtz presented the Voluntary Surrender to Dr. Hall and explained "the particulars of the form." Agent Kurtz stated that he did not threaten Dr. Hall to sign the form; instead, Dr. Hall was "very cooperative." When Dr. Hall signed the Voluntary Surrender, the DEA considered Dr. Hall's privileges to be *surrendered* and that Dr. Hall could no longer prescribe, dispense, or administer controlled substances. Agent Kurtz stated that Dr. Hall could reapply for privileges to prescribe controlled substances at any time; however, Agent Kurtz noted that there is still an ongoing DEA investigation. (St. Ex. 2; Tr. at 21-22, 106-110)

15. Dr. Hall testified that he consulted with two lawyers the day before he executed the Voluntary Surrender of his DEA certificate. Dr. Hall also testified that he reviewed the Voluntary Surrender and understood what it meant before he signed it. He did testify that he felt under “duress” to sign it after meeting with his lawyers because he was told he had until the next day to make a decision and also because he feared criminal sanctions. However, Dr. Hall testified that the “biggest reasons that I did that [sign the Voluntary Surrender] was because I needed the rest and I needed to be able to think clearly.” (Tr. at 21, 48, 60, 63-64, 80-81)

**Additional Testimony by Dr. Hall**

16. Dr. Hall testified regarding how his practice has changed since he signed the Voluntary Surrender:

The greatest change is the decrease in the number of patients, decreased use of - - or decreased rate of prescribing - - well, just from the cessation of controlled substance administration.

And I'd say that that - - the effect of that has actually been beneficial on my part, because it actually gives me a fewer patients to see in the course of a day.

I can do a little bit more evaluation, and I feel a little more in control.

(Tr. at 12)

Dr. Hall also noted, “I experience less - - I have fewer incidence of secondary or reason - - no secondary gain because they don't - - since they can't get the pain medicine, I know that I'm dealing directly with the medical issues. That's an immense thing.” (Tr. at 58)

**FINDING OF FACT**

On June 19, 2009, Darrell A. Hall, M.D., executed a Voluntary Surrender of Controlled Substances Privileges to the U.S. Department of Justice – Drug Enforcement Administration [DEA] after being contacted in May 2009 by DEA investigators.

### **CONCLUSION OF LAW**

As set forth in the Finding of Fact, the Voluntary Surrender constitutes “\* \* \* the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice,” as set forth in R.C. 4731.22(B)(24).

### **DISCUSSION CONCERNING THE PROPOSED ORDER**

The Board has authority to take disciplinary action against Dr. Hall’s medical license pursuant to R.C. 4731.22(B)(24) because he signed the Voluntary Surrender which constitutes a termination of his DEA certificate to prescribe controlled substances.

Counsel for Dr. Hall argued that Dr. Hall signed the Voluntary Surrender because he was under duress and feared legal prosecution. However, Dr. Hall’s argument is outweighed and even undermined by his own testimony. Dr. Hall testified that he consulted with two lawyers before he signed it. Furthermore, Dr. Hall testified that he reviewed and understood the document before signing it. Finally, Agent Kurtz testified that Dr. Hall was very cooperative on the day he signed the Voluntary Surrender. As such, it is clear that Dr. Hall voluntarily surrendered his Controlled Substances Privileges to the DEA without undue influence.

In addition, the Hearing Examiner is troubled by the number of aggravating factors in this case. Since being licensed to practice in Ohio in 1997, Dr. Hall has been disciplined by the Board and has been advised on prescribing by the Board. In April 2001, Dr. Hall was suspended from the practice of medicine for being chemically dependent on alcohol, Oxycontin, and Phenergan. While he was still on probation in October 2004, Dr. Hall’s patient load increased to 60 patients per day, causing a Board Investigator and the DEA to meet with him to discuss their concerns about diversion and “doctor shopping” at his practice. At this point in time, Dr. Hall’s practice had only been open nine months. Although Dr. Hall testified that he incorporated the safeguards suggested by the Board and the DEA to prevent diversion, Dr. Hall was eventually prescribing “several hundred thousand pills” on an annual basis that was comparable to a “large medical center.” In response, Dr. Hall did not acknowledge wrongdoing even though he admitted that he had known that his patients were diverting the controlled substances. Instead, Dr. Hall stated that his prescribing practices of controlled substances “was more realistic” than his “conservative” colleagues in Toledo. Finally, Dr. Hall’s reckless prescribing has had an adverse impact on his patients and the community in which the prescriptions were being diverted.

In conclusion, the aggravating factors in this case are very serious and therefore, warrant a permanent revocation of Dr. Hall’s certificate.

**PROPOSED ORDER**

It is hereby ORDERED that:

The certificate of Darrell A. Hall, M.D., to practice allopathic medicine and surgery in the State of Ohio is hereby PERMANENTLY REVOKED.

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

A handwritten signature in black ink, appearing to read "Danielle Blue", written over a horizontal line.

Danielle R. Blue, Esq.  
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 NOVEMBER 10, 2010

### REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Amato announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings and Proposed Order appearing on its agenda.

Dr. Amato asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Imam Michel Bastawros, M.D.; Darrell A. Hall, M.D.; Wesley Frank Hard, M.D.; Florence Beth Matyas, M.D.; Mehmet Akif Sungurlu, M.D.; and Edward Wai Wong, M.D. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Suppan	- aye
	Dr. Amato	- aye
	Mr. Albert	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Steinbergh	- aye
	Mr. Morris	- aye

Dr. Amato 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:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Suppan	- aye
	Dr. Amato	- aye
	Mr. Albert	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Steinbergh	- aye
	Mr. Morris	- aye

Dr. Amato noted that, in accordance with the provision in section 4731.22(F)(2), Ohio 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. In addition, Dr. Mahajan served as Acting Secretary in the matter of Darrell A. Hall, M.D.; and Dr. Amato served as Acting Supervising Member in the matter of Wesley Frank Hard, M.D.; therefore, those Board members may not vote in those respective matters. Dr. Amato stated that all Board members may vote on the matter of Imam Michel Bastawros, M.D., as that case is not disciplinary in nature and only involves the respondent's qualifications for licensure.

Dr. Amato reminded all parties that no oral motions may be made during these proceedings.

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

.....  
DARRELL A. HALL, M.D.  
.....

**Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Darrell A. Hall, M.D. Dr. Madia seconded the motion.**

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- abstain
	Dr. Suppan	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Steinbergh	- aye
	Mr. Morris	- aye

The motion carried.



# 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

October 14, 2009

Case number: 09-CRF- **130**

Darrell A. Hall, M.D.  
316 N. Michigan Street, Suite 400  
Toledo, Ohio 43604

Dear Doctor Hall:

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) After being contacted on or about May 13, 2009, by investigators with the U.S. Department of Justice – Drug Enforcement Administration, Diversion Group [DEA], on or about June 19, 2009, you executed a Voluntary Surrender of Controlled Substances Privileges [Voluntary Surrender] to the DEA. A copy of the DEA Voluntary Surrender is attached hereto and incorporated herein.

The Voluntary Surrender as alleged in paragraph (1) above constitutes “[t]he revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice,” as that clause is used in Section 4731.22(B)(24), 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.

*Mailed 10.15.09*

Darrell A. Hall, M.D.

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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,



Darshan Mahajan, M.D.  
Acting Secretary

DM/MAP/flb  
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3070 4213  
RETURN RECEIPT REQUESTED

U. S. Department of Justice - Drug Enforcement Administration  
**VOLUNTARY SURRENDER OF CONTROLLED SUBSTANCES PRIVILEGES**

DEA USE ONLY  
File No.

After being fully advised of my rights, and understanding that I am not required to surrender my controlled substances privileges, I freely execute this document and choose to take the action(s) described herein.

- In view of my alleged failure to comply with the Federal requirements pertaining to controlled substances, and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part;
- In view of my desire to terminate handling of controlled substances listed in schedule(s) II-V;

I hereby voluntarily surrender my Drug Enforcement Administration Certificate of Registration, unused order forms, and all my controlled substances listed in schedule(s) II-V as evidence of my agreement to relinquish my privilege to handle controlled substances listed in schedule(s) II-V. Further, I agree and consent that this document shall be authority for the Administrator of the Drug Enforcement Administration to terminate and revoke my registration without an order to show cause, a hearing, or any other proceedings, (and if not all controlled substances privileges are surrendered, be issued a new registration certificate limited to schedule(s) \_\_\_\_\_).

I waive refund of any payments made by me in connection with my registration.

I understand that I will not be permitted to order, manufacture, distribute, possess, dispense, administer, prescribe, or engage in any other controlled substance activities whatever, until such time as I am again properly registered.

NAME OF REGISTRANT (Print) Darrell Andre Hall		ADDRESS OF REGISTRANT EDM Health Services, LLC 316 N. Michigan St Suite 400 Toledo, OH 43604	
DEA REGISTRATION NO. BH557923R			
SIGNATURE OF REGISTRANT OR AUTHORIZED INDIVIDUAL <i>Darrell A. Hall M.D.</i> (Darrell A. Hall) M.D.		DATE 6-19-09	

**WITNESSES:**

NAME AND DATE <i>Scott A. ... 6/19/09</i>	TITLE DI
NAME AND DATE <i>Det. ... 6/19/09</i>	TITLE DETECTIVE

PRIVACY ACT

**AUTHORITY:** Section 301 of the Controlled Substances Act of 1970 (Pl. 91-513).  
**PURPOSE:** Permit voluntary surrender of controlled substances.  
**ROUTINE USES:** The Controlled Substances Act Registration Records produces special reports as required for statistical analytical purposes. Disclosures of information from this system are made to the following categories of users for the purposes stated:  
 A. Other Federal law enforcement and regulatory agencies for law enforcement and regulatory purposes  
 B. State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes  
 C. Persons registered under the Controlled Substances Act (Public Law 91-513) for the purpose of verifying the registration of customers and practitioners  
**EFFECT:** Failure to provide the information will have no effect on the individual

**STEP II  
CONSENT AGREEMENT  
BETWEEN  
DARRELL A. HALL, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

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

**BASIS FOR ACTION**

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

- A. The Board is empowered by Section 4731.22(B)(26), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraph E of the April 11, 2001 Step I Consent Agreement between Darrell A. Hall, M.D., and The State Medical Board of Ohio, a copy of which is attached hereto and fully incorporated herein, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.
- C. Dr. Hall is applying for reinstatement of his license to practice medicine and surgery in the State of Ohio, which was suspended pursuant to the terms of the above-referenced April 2001 Step I Consent Agreement.
- D. Dr. Hall states that he is not licensed to practice medicine and surgery in any other State.
- E. Dr. Hall admits that he entered treatment for chemical dependence at The Toledo Hospital, Alcohol and Drug Treatment Center, a Board approved treatment provider in

Toledo, Ohio, on or about March 27, 2001, and states that he completed more than twenty-eight days of residential treatment on or about April 27, 2001. Dr. Hall further admits that on or about June 20, 2002, he was diagnosed as suffering from Adult Attention Deficit Disorder for which he is prescribed Wellbutrin by his primary psychiatrist.

- F. Dr. Hall states, and the Board acknowledges receipt of information to support, that he has remained compliant with his treatment/recovery contract with his treatment provider, The Toledo Hospital. In addition, Dr. Hall states, and the Board acknowledges receipt of information to support, that he is currently in compliance with terms of the advocacy contract into which he entered with the Ohio Physicians Effectiveness Program on June 6, 2001. Dr. Hall further admits that such treatment/recovery and advocacy contracts remain in effect to date.
- G. Dr. Hall states, and the Board acknowledges, that Chris Adelman, M.D., of Rosary Hall Chemical Dependency Center, St. Vincent Charity Hospital and Health Center, a Board approved treatment provider in Cleveland, Ohio, and Richard Whitney, M.D. of Shepherd Hill Hospital, a Board approved treatment provider in Newark, Ohio, have provided written reports indicating that Dr. Hall's ability to practice has been assessed and that he has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place, including that he continue psychiatric treatment and compliance with prescribed medications related to his diagnosed Adult Attention Deficit Disorder.
- H. Dr. Hall states, and the Board acknowledges, that Dr. Hall has fulfilled the conditions for reinstatement of his certificate to practice medicine and surgery in the State of Ohio, as established in the above-referenced April 2001 Step I Consent Agreement.

### **AGREED CONDITIONS**

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

1. Dr. Hall shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Hall shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the date his quarterly declaration would have been due pursuant to his April 11, 2001, Consent Agreement with the Board. Subsequent

quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. Dr. Hall shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place on the date his appearance would have been scheduled pursuant to his April 11, 2001, Consent Agreement with the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. In the event that Dr. Hall should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Hall must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under this Consent Agreement, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
5. In the event Dr. Hall is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

## **MONITORING OF REHABILITATION AND TREATMENT**

### **Drug Associated Restrictions**

6. Dr. Hall shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, thirty days prior to Dr. Hall's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Hall shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
7. Dr. Hall shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by state or federal law and shall not keep any controlled drug samples, nor any Ultram or Fioricet samples, in his office. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Hall to administer or personally furnish controlled substances, Dr. Hall shall keep a log of all controlled substances prescribed, administered or personally furnished. Such log shall be submitted in the format approved by the Board thirty days prior to Dr. Hall's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Hall shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board upon request.

### **Sobriety**

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

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

10. Dr. Hall shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Hall shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

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

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

### **Psychiatric Treatment**

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

### **Monitoring Physician**

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

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

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Hall and his medical practice, and on the review of Dr. Hall's patient charts. Dr. Hall 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. Hall's quarterly declaration.

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

### **Rehabilitation Program**

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

Dr. Hall 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. Hall's quarterly declarations.

### **Aftercare**

15. Dr. Hall shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider and with the advocacy contract entered into with the Ohio Physicians Effectiveness Program, provided that, where terms of the aftercare or advocacy contracts conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

### **Releases**

16. Dr. Hall shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.

### **Required Reporting by Licensee**

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

Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

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

#### **FAILURE TO COMPLY**

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

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

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

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

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

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

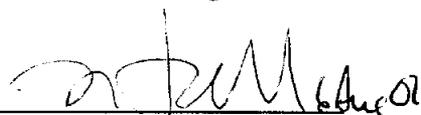
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

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

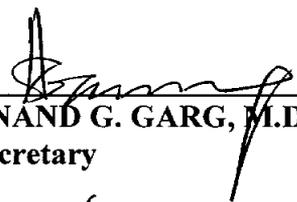
This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Hall agrees to provide his social security number to the Board and hereby authorizes the Board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

**EFFECTIVE DATE**

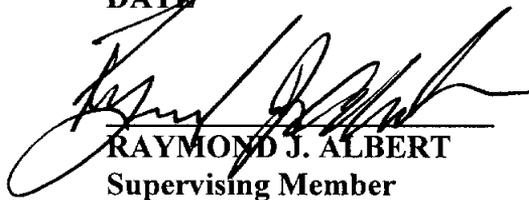
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
\_\_\_\_\_  
DARRELL A. HALL, M.D.

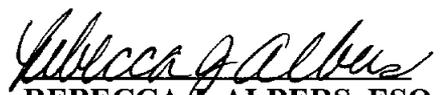
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
ANAND G. GARG, M.D.  
Secretary

8/14/02  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
RAYMOND J. ALBERT  
Supervising Member

8/14/02  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
REBECCA J. ALBERS, ESQ.  
Assistant Attorney General

8/14/02  
\_\_\_\_\_  
DATE

**STEP I  
CONSENT AGREEMENT  
BETWEEN  
DARRELL A. HALL, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between DARRELL A. HALL, M.D., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

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

**BASIS FOR ACTION**

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

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(26), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."
- B. THE STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, based upon the facts as set forth in paragraph E., below. THE STATE MEDICAL BOARD OF OHIO 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. DARRELL A. HALL, M.D., is licensed to practice medicine and surgery in the State of Ohio.
- D. DARRELL A. HALL, M.D., states that he is not licensed to practice medicine and surgery in any other state.
- E. DARRELL A. HALL, M.D., ADMITS that he is chemically dependent and that his drugs of choice include alcohol, OXYCONTIN, and PHENERGAN. DOCTOR HALL further ADMITS that he began abusing alcohol in or about

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the mid-1990s while in medical school, thereafter graduating to injectable drugs after his wife and mother objected to his increased drinking.

Further, DOCTOR HALL ADMITS that he has obtained controlled substances for his own use from friends who are not physicians or who are not employed in other health-affiliated professions.

Further, DOCTOR HALL ADMITS that the Toledo, Ohio, Police Department stopped him near his home on a date in 2001 for failure to yield the right of way to an emergency vehicle, and that he may have been under the influence of controlled substances at the time of the incident. He also ADMITS that he did not have his driver's license with him at the time of the incident and instead used his medical identification to convince the police officer that he was alright.

Further, DOCTOR HALL ADMITS that sometime in 2000 his privileges were temporarily suspended at St. Vincent Mercy Medical Center, Toledo, Ohio, for not answering his pager.

Further, DOCTOR HALL ADMITS that in or around November 2000, he realized he needed help for his chemical dependency and sought advice from an advocacy group at St. Vincent Mercy Medical Center. He also ADMITS that because he was very embarrassed and fearful that his reputation would be ruined, he did not want to attend treatment in the Toledo area. Thus, he ADMITS that he was put in touch with Mary H. Glosser, D.O, Chief of Substance Abuse, University of Michigan, Ann Arbor, Michigan, and saw her in November 2000 and January 2001. DOCTOR HALL ADMITS that Doctor Glosser prescribed Depakote, Clonidin (1 mg), and Celexa for his treatment, but that he believed these drugs did not help him. DOCTOR HALL also ADMITS that he saw a psychiatrist in Detroit, Michigan, although he is unable to recall this physician's name.

Further, DOCTOR HALL ADMITS that he saw Steven Freeman, M.D., on November 17, 2000, for complaints of crying episodes and despondency. He ADMITS that at the time of examination on this date, he had several semi-tender nodules in his upper arm, initially denied drug abuse, and claimed to self-inject Vitamin B-12. DOCTOR HALL ADMITS that later in the appointment, when Doctor Freeman asked what he might find in DOCTOR HALL's toxicology screen, DOCTOR HALL responded that Doctor Freeman was likely to find evidence of opiates. DOCTOR HALL ADMITS that the toxicology screen completed on this date was positive for Oxycodone.

Further, DOCTOR HALL ADMITS that in or around December 2000, while under the influence of drugs, he fell at his home and cut a large gash in the top of his head. He ADMITS that this incident, coupled with the concerns of his

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wife and mother, again made him realize that he really needed to obtain help for his chemical dependency.

Further, DOCTOR HALL ADMITS that on or around January 23, 2001, he again contacted the advocacy group at St. Vincent Mercy Medical Center and was interviewed by DeSaint Victor, M.D., and Edward Poczekaj, M.Ed., Director of Field Services, Ohio Physicians Effectiveness Program (OPEP). DOCTOR HALL further ADMITS that he was given several forms to complete at that time, including a consent agreement, but did not complete the forms because he was concerned about the confidentiality of his participation in OPEP, losing his job, and taking time off from work to go into chemical dependency treatment.

Further, DOCTOR HALL ADMITS that he traveled to Talbot Recovery Services, Columbus, Ohio, for initial chemical dependency assessment, but "got cold feet and left." DOCTOR HALL also ADMITS that he told BOARD Investigator Donald Lay that he would travel to Talbot Recovery Services the weekend of March 3, 2001, for initial assessment, and that he would complete OPEP forms for submission by March 5, 2001. DOCTOR HALL ADMITS that, to date, he has not visited Talbot Recovery Services nor any other chemical dependency treatment provider for initial assessment. He further ADMITS that he has not submitted OPEP forms to date.

### **AGREED CONDITIONS**

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, DARRELL A. HALL, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

#### **SUSPENSION OF CERTIFICATE**

1. The certificate of DOCTOR HALL to practice medicine and surgery in the State of Ohio shall be suspended for an indefinite period of time, but not less than six (6) months;

#### **Sobriety**

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

Releases; Quarterly Declarations and Appearances

4. DOCTOR HALL 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 DOCTOR HALL's chemical dependency or related conditions, or for purposes of complying with the 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. DOCTOR HALL further agrees to provide the BOARD written consent permitting any treatment provider from whom he obtains treatment to notify the BOARD in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.
5. DOCTOR HALL shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the BOARD's offices on the first day of the third month following the month in which the Consent Agreement becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the BOARD's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the BOARD's offices on or before the first day of every third month;
6. DOCTOR HALL shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed 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. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR HALL written notification of scheduled appearances, it is DOCTOR HALL's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR HALL shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

Drug & Alcohol Screens; Supervising Physician

7. DOCTOR HALL shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR HALL shall ensure that all screening reports are forwarded directly to the BOARD on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the BOARD;

Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR HALL shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR HALL 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 DOCTOR HALL. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results;

DOCTOR HALL shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities;

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

**CONDITIONS FOR REINSTATEMENT**

8. The BOARD shall not consider reinstatement of DOCTOR HALL's certificate to practice medicine and surgery unless and until all of the following conditions are met:

- a. DOCTOR HALL shall submit an application for reinstatement, accompanied by appropriate fees, if any;
- b. DOCTOR HALL shall demonstrate to the satisfaction of the BOARD that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
  - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that DOCTOR HALL has successfully completed any required inpatient treatment;
  - ii. Evidence of continuing full compliance with an aftercare contract or consent agreement;
  - iii. Two written reports indicating that DOCTOR HALL's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the BOARD for making such assessments and shall describe the basis for this determination.
- c. DOCTOR HALL shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the BOARD or, if the BOARD and DOCTOR HALL are unable to agree on the terms of a written Consent Agreement, then DOCTOR HALL 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 DOCTOR HALL'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 and, upon termination of the consent agreement or BOARD Order, submission to the BOARD for at least two years of annual progress reports made under penalty of BOARD disciplinary action or criminal prosecution stating whether DOCTOR HALL has maintained sobriety.

9. In the event that DOCTOR HALL 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 DOCTOR HALL's fitness to resume practice.

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

10. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR HALL shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. DOCTOR HALL further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, DOCTOR HALL shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.
11. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR HALL shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR HALL shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

The above described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties.

#### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR HALL 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**

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

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

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

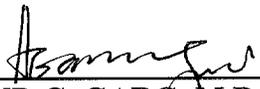
This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

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

**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.

  
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DARRELL A. HALL, M.D.

  
\_\_\_\_\_  
ANAND G. GARG, M.D.  
Secretary

4/2/01 *NCB per phone*  
DATE *verification*

4/11/01  
DATE

  
\_\_\_\_\_  
RAYMOND J. ALBERT  
Supervising Member

4/11/01  
DATE

  
\_\_\_\_\_  
ANNE B. STRAIT, ESQ.  
Assistant Attorney General

4/11/01  
DATE