

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

This CONSENT AGREEMENT is entered into by and between HEATHER A. EARICK, M.D., (hereinafter DOCTOR EARICK), and THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), a state agency charged with enforcing Chapter 4731, Ohio Revised Code

DOCTOR EARICK 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, or suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violations of Section 4731.22(B)(26), Ohio Revised Code, "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," and Section 4731.22(B)(10), Ohio Revised Code, "[c]ommission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed."
  
- B. The BOARD enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(26) and (B)(10), Ohio Revised Code, to wit Section 2925.22, Ohio Revised Code, Deception to Obtain a Dangerous Drug, and Section 2925.23, Ohio Revised Code, Illegal Processing of Drug Documents, as set forth in Paragraphs E, F., and G below. The BOARD expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731 of the Revised Code, whether occurring before or after the effective date of this CONSENT AGREEMENT.

- C DOCTOR EARICK is licensed to practice medicine and surgery in the State of Ohio
- D DOCTOR EARICK STATES that she is not licensed to practice medicine and surgery in any other state or jurisdiction.
- E. DOCTOR EARICK ADMITS that she suffers from chemical dependence, including benzodiazepine and opiate dependence, and post traumatic stress disorder.

Further, DOCTOR EARICK ADMITS that in or about April 1998 she was evaluated at Bethesda Oak Hospital in Cincinnati, Ohio, a BOARD approved treatment provider DOCTOR EARICK further ADMITS that she received a diagnosis of opiate abuse at that time, and that it was recommended that she undergo counseling and medication management and that she enroll with the Ohio Physicians Effectiveness Program (OPEP) DOCTOR EARICK further ADMITS that in or about April 1998 she entered into an advocacy contract with OPEP, and further ADMITS that she has participated in individual outpatient therapy with Bruce Kline, Ph.D , and medication management with Stephanie Fitz, M.D.

Further, DOCTOR EARICK ADMITS that on or about March 3, 1999, she was admitted to Harding Hospital in Worthington, Ohio, a BOARD approved treatment provider, for inpatient treatment for chemical dependence, including benzodiazepine and opiate dependence, and other issues. DOCTOR EARICK further ADMITS that on April 15, 1999, she left treatment at Harding Hospital against medical advice.

- F. DOCTOR EARICK ADMITS that she has self-prescribed controlled substances and prescribed controlled substances in the names of others, although the medications were intended for her own use DOCTOR EARICK further ADMITS that she has forged other physicians' signatures on prescriptions DOCTOR EARICK further ADMITS that she has on occasion declared or overstated medical or psychiatric conditions, or symptoms related thereto, in order to obtain medications from physicians, and that she has abused medications obtained from physicians
- G DOCTOR EARICK further ADMITS that issues exist concerning whether she suffers from the following medical and/or psychiatric conditions migraines, seizures, anorexia nervosa, and/or attention deficit hyperactivity disorder

**AGREED CONDITIONS**

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

**SUSPENSION OF CERTIFICATE**

- 1 The certificate of DOCTOR EARICK to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than six months,

**CONDITIONS FOR REINSTATEMENT**

2. The BOARD shall not consider reinstatement of DOCTOR EARICK's certificate to practice medicine and surgery unless and until all of the following conditions are met:
  - a. DOCTOR EARICK shall submit an application for reinstatement, accompanied by appropriate fees, if any,
  - b. DOCTOR EARICK shall demonstrate to the satisfaction of the BOARD that she can resume practice in compliance with acceptable and prevailing standards of care under the provisions of her certificate. Such demonstration shall include but shall not be limited to the following:
    - i Certification from a treatment provider approved under Section 4731.25 of the Revised Code that DOCTOR EARICK has successfully completed any required inpatient treatment;
    - ii. Evidence of continuing full compliance with an aftercare contract or consent agreement for a period of time not less than six months immediately preceding the application for reinstatement. Such aftercare contract or consent agreement shall be with an individual or provider approved by the BOARD under Section 4731.25, Ohio Revised Code, who has reviewed DOCTOR EARICK's treatment records and this CONSENT AGREEMENT, prior to formulating the aftercare contract or consent agreement, and shall, at a minimum, include that DOCTOR EARICK: 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 her history of chemical dependency, abstain completely from the use of alcohol, submit to random urine screenings for drugs and alcohol on a weekly basis, and participate in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, no less than three (3) times per week;

- iii. Three written reports indicating that DOCTOR EARICK's ability to practice has been assessed and that she has been found capable of practicing according to acceptable and prevailing standards of care

Two reports shall be made by individuals or providers approved by the BOARD under Section 4731.25, Ohio Revised Code, for making such assessments. Prior to the assessments, DOCTOR EARICK 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 DOCTOR EARICK, and any conditions, restrictions, or limitations that should be imposed on DOCTOR EARICK's practice. The reports shall also describe the bases for the evaluator's determinations.

One report shall be made by a psychiatrist, approved in advance by the BOARD, who shall conduct a psychiatric examination of DOCTOR EARICK. Prior to the examination, DOCTOR EARICK shall provide the psychiatrist with copies of patient records from any 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 DOCTOR EARICK's practice, and the bases for the psychiatrist's determinations;

- iv. In the event that DOCTOR EARICK has not engaged in the active practice of medicine and surgery for a period of time in excess of two years, DOCTOR EARICK shall provide proof acceptable to the Board that she has taken and passed the SPEX (Special Purpose Examination), or its equivalent

as approved in advance by the BOARD, within six months immediately preceding the application for reinstatement.

The Board may also exercise its discretion under Section 4731 222, Ohio Revised Code, to require further evidence of DOCTOR EARICK's fitness to resume practice;

- c. DOCTOR EARICK shall provide the BOARD with a list of names and addresses of any providers and/or institutions who have provided treatment or evaluation for her chemical dependency, psychiatric conditions and/or related conditions, or for purposes of complying with this CONSENT AGREEMENT, since the effective date of this CONSENT AGREEMENT.

Further, DOCTOR EARICK 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 EARICK's chemical dependency, psychiatric conditions and/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;

- d. DOCTOR EARICK shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the BOARD or, if the BOARD and DOCTOR EARICK are unable to agree on the terms of a written consent agreement, then DOCTOR EARICK 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 EARICK'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 EARICK has maintained sobriety;

**REQUIRED REPORTING BY LICENSEE**

3. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR EARICK 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 a license to practice. DOCTOR EARICK 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 licensure or reinstatement of licensure. Further, DOCTOR EARICK shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.
  
4. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR EARICK shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which she is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where she has 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 EARICK 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 EARICK 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.

DOCTOR EARICK 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.

**EFFECTIVE DATE**

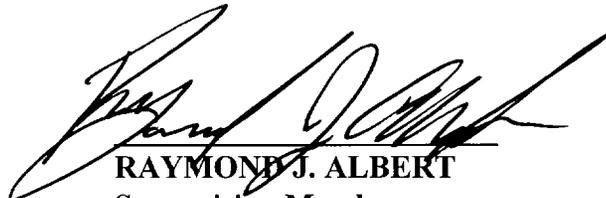
It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
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HEATHER A. EARICK, M.D.

  
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ANAND G. GARG, M.D.  
Secretary

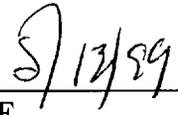
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RAYMOND J. ALBERT  
Supervising Member

5/17/99  
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**ANNE B. STRAIT, ESQ.**  
**Assistant Attorney General**

  
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**DATE**