VER/SWM

STEP II
CONSENT AGREEMENT
BETWEEN
DONALD B. FORD, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

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

DONALD B. FORD, 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, as set forth in Paragraph(s) E and F of the October 2000 Step I Consent Agreement between DONALD B. FORD, 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 Agreement.

C. DONALD B. FORD, M.D., 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 October 2000 Step I Consent Agreement.

D. DONALD B. FORD, M.D., STATES that he is not licensed to practice medicine and surgery in any other state or jurisdiction.

E. DONALD B. FORD, M.D., ADMITS that upon admission to the Talbot Recovery Campus, a Board approved treatment provider in Atlanta, Georgia, on July 27, 2000, for residential treatment for his alcohol dependency, he submitted a urine specimen that tested positive for carisoprodol (Soma). DOCTOR FORD further ADMITS that while he initially denied having used any carisoprodol, he later (during treatment) admitted to having used carisoprodol. Further, DOCTOR FORD STATES that his carisoprodol use was limited to his taking Soma that had been prescribed to him during the prior year for back spasms.

Further, DOCTOR FORD ADMITS that he successfully completed treatment and was discharged to home on November 18, 2000.

F. DONALD B. FORD, M.D., STATES that since being discharged from Talbot Recovery Campus on November 18, 2000, he has remained fully compliant with terms of the advocacy contract into which he entered with the Ohio Physicians Effectiveness Program in July 2000; his continuing care contract with his treatment provider, the Talbot Recovery Campus, as administered by the Cleveland Clinic Foundation, a Board approved treatment provider in Cleveland, Ohio; and his treatment contract with the Cleveland Clinic Foundation, entered into in April 2000. DOCTOR FORD ADMITS that such advocacy, continuing care, and treatment contracts remain in effect to date. DOCTOR FORD STATES, however, that with the approval Gregory B. Collins, M.D., of the Cleveland Clinic Foundation, his treatment contract with the Cleveland Clinic Foundation has been modified to no longer require that he take Paxil or Antabuse.

G. DONALD B. FORD, M.D., STATES, and the STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES, that Philip O. Wilson, M.D., of the Talbot Recovery Campus, and Gregory B. Collins, M.D., of the Cleveland Clinic Foundation, have provided written reports indicating that DOCTOR FORD'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.

H. DONALD B. FORD, M.D., STATES, and THE STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES, that DOCTOR FORD 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 October 2000 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 DONALD B. FORD, M.D., to practice medicine and surgery in the State of Ohio shall be reinstated, and DONALD B. FORD, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following PROBATIONARY terms, conditions and limitations:

1. DOCTOR FORD shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;

2. DOCTOR FORD 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;

3. DOCTOR FORD 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 FORD written notification of scheduled appearances, it is DOCTOR FORD'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 FORD shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

4. In the event that DOCTOR FORD should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR FORD must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed;

5. In the event DOCTOR FORD 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 the CONSENT AGREEMENT;

MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. DOCTOR FORD shall keep a log of all controlled substances prescribed. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR FORD 's personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD;

7. DOCTOR FORD shall not, without prior BOARD approval, administer, dispense, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by state or federal law. In the event that the BOARD agrees at a future date to modify this CONSENT AGREEMENT to allow DOCTOR FORD to administer or dispense controlled substances, DOCTOR FORD shall keep a log of all controlled substances prescribed, administered or dispensed. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR FORD's personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD;

Sobriety

8. DOCTOR FORD 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 FORD's history of chemical dependency;

9. DOCTOR FORD shall abstain completely from the use of alcohol;

Drug and Alcohol Screens/Supervising Physician

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

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

Monitoring Physician

12. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR FORD shall submit for the BOARD's prior approval the name of a monitoring physician, who shall review DOCTOR FORD's patient charts and shall submit a written report of such review to the BOARD on a quarterly basis. 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 FORD and who is engaged in the same or similar practice specialty. Such chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the BOARD. It shall be DOCTOR FORD's responsibility to ensure that the monitoring physician's quarterly reports are submitted to the BOARD on a timely basis;

Further, the monitoring physician shall otherwise monitor DOCTOR FORD and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR FORD shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR FORD must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR FORD shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore;

All monitoring physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR FORD's quarterly declaration. It is DOCTOR FORD's responsibility to ensure that reports are timely submitted;

Rehabilitation Program

13. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR FORD shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, no less than three (3) times per week. Substitution of any other specific program must receive prior BOARD approval;

    DOCTOR FORD shall submit with each quarterly declaration required under Paragraph 2 of this CONSENT AGREEMENT acceptable documentary evidence of continuing compliance with this program;

Aftercare

14. DOCTOR FORD shall maintain continued compliance with the terms of the contracts entered into with his treatment providers and with the advocacy contract entered into with the Ohio Physicians Effectiveness Program, provided that where terms of the aftercare contracts conflict with terms of this CONSENT AGREEMENT, the terms of this CONSENT AGREEMENT shall control;

Releases

15. DOCTOR FORD 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

16. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR FORD 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 FORD 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;

17. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR FORD 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 FORD 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 FORD shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt;

VIOLATION OF PROBATIONARY TERMS

18. Any violation of Paragraph 8 or Paragraph 9 of this CONSENT AGREEMENT shall constitute grounds to revoke or permanently revoke DOCTOR FORD's certificate. DOCTOR FORD agrees that the minimum discipline for such a violation shall include actual license suspension. This paragraph does not limit the BOARD's authority to suspend, revoke or permanently revoke DOCTOR FORD's certificate based on other violations of this CONSENT AGREEMENT;

19. DOCTOR FORD AGREES that if any declaration or report required by this CONSENT AGREEMENT is not received in the BOARD's offices on or before its due date, DOCTOR FORD shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code;

20. DOCTOR FORD AGREES that if, without prior permission from the BOARD, he fails to submit to random screenings for drugs and alcohol at least as frequently as required by Paragraph 10 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the violation and shall refrain from practicing for thirty (30) days for the first instance of a single missed screen. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code; and,

21. DOCTOR FORD AGREES that if he fails to participate in an alcohol and drug rehabilitation program at least as frequently as required by Paragraph 13 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the violation, and shall refrain from practicing for fifteen (15) days following a first missed meeting. Practice during this time period shall be

considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR FORD 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 DOCTOR FORD has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR FORD 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

DOCTOR FORD shall not request termination of this CONSENT AGREEMENT for a minimum of five (5) years. In addition, DOCTOR FORD shall not request modification to the probationary terms, limitations and conditions contained herein for at least one (1) 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

DOCTOR FORD 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 FORD 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 that it shall become effective upon the last date of signature below.

DONALD B. FORD, M.D.

2/14/01
DATE

KPBYERS
KEVIN P. BYERS, ESQ.
Attorney for Dr. Ford

2/14/01
DATE

Anand G. Garg, MD /TAD
ANAND G. GARG, M.D.
Secretary

2/14/01
DATE

RAYMOND J. ALBERT
Supervising Member

2/14/01
DATE

ANNE B. STRAIT, ESQ.
Assistant Attorney General

3/14/01
DATE

STATE MEDICAL BOARD
OCT - 2 2000

STEP I
CONSENT AGREEMENT
BETWEEN
DONALD B. FORD, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

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

DONALD B. FORD, 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, as set forth in Paragraphs E and F below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.

C. DONALD B. FORD, M.D., is licensed to practice medicine and surgery in the State of Ohio.

D. DONALD B. FORD, M.D., STATES that he is not licensed to practice medicine and surgery in any other state or jurisdiction.

E. DONALD B. FORD, M.D., ADMITS that he was initially treated for alcohol dependence on an inpatient basis at UHHS / Laurelwood Hospital and Counseling Center in Willoughby, Ohio, from on or about February 16, 2000, to on or about February 25, 2000. DOCTOR FORD further ADMITS that while subsequently participating in Laurelwood's aftercare program, he relapsed on alcohol on or about March 7, 2000.

DOCTOR FORD further ADMITS that he thereafter entered inpatient treatment on or about March 10, 2000, at the Cleveland Clinic Foundation, a BOARD approved treatment provider in Cleveland, Ohio. DOCTOR FORD further ADMITS that on or about April 10, 2000, he was discharged to aftercare and that he entered into an aftercare treatment contract with the Cleveland Clinic at that time.

DOCTOR FORD further ADMITS that on July 6, 2000, he submitted a urine specimen which tested positive for alcohol, and that such positive urine screen was subsequently confirmed by GCMS. DOCTOR FORD further ADMITS that, when he was initially confronted about this positive screen by individuals affiliated with his treatment provider, he denied having used alcohol and stated that on July 6, 2000, an office nurse had provided him Antabuse 125 mg., in accordance with the terms of his aftercare treatment contract. DOCTOR FORD further ADMITS that he also initially denied alcohol use when questioned by a BOARD staff member and that he again referenced that he was on Antabuse.

DOCTOR FORD further ADMITS that following the positive screen, he again received evaluation and inpatient treatment at the Cleveland Clinic from on or about July 17, 2000, to on or about July 27, 2000, at which time he was discharged with recommendations including that he immediately report to Talbot-Marsh Recovery Campus, a BOARD approved treatment provider in Atlanta, Georgia, for continuing treatment for alcohol dependence. DOCTOR FORD further ADMITS that he reported to Talbot-Marsh Recovery Campus on July 27, 2000, and that after several weeks of treatment he contacted the BOARD to advise that he had, in fact, relapsed on alcohol on July 5, 2000. DOCTOR FORD further ADMITS that he remains in treatment at Talbot-Marsh Recovery Campus to date.

F. DONALD B. FORD, M.D., further ADMITS that after having been charged with intoxication related to an incident occurring in or about February 2000, on or about May 18, 2000, in the Cleveland Heights (Ohio) Municipal Court, he pleaded no contest to, and was found guilty of, an amended charge of disorderly conduct in violation of Section 2917.11(A), Ohio Revised Code.

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DOCTOR FORD further ADMITS that on or about June 5, 2000, in Shaker Heights, Ohio, he was charged with assault related to an incident which occurred on or about May 6, 2000. DOCTOR FORD STATES that while such matter remains pending at this time, in July 2000 he was placed in a program of supervision with the Shaker Heights (Ohio) Municipal Court.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, DONALD B. FORD, 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 FORD to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time;

Sobriety

2. DOCTOR FORD 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 FORD's history of chemical dependency;

3. DOCTOR FORD shall abstain completely from the use of alcohol;

Releases; Quarterly Declarations and Appearances

4. DOCTOR FORD 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 FORD'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 FORD 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.

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5. DOCTOR FORD 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 FORD 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 FORD written notification of scheduled appearances, it is DOCTOR FORD'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 FORD shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

Drug & Alcohol Screens; Supervising Physician

7. DOCTOR FORD shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR FORD 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 FORD shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR FORD shall submit the required urine specimens. In approving an individual to serve in this capacity, the BOARD will give preference to a physician who

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practices in the same locale as DOCTOR FORD. 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 FORD 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 FORD must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR FORD 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 FORD's quarterly declaration. It is DOCTOR FORD's responsibility to ensure that reports are timely submitted;

CONDITIONS FOR REINSTATEMENT

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

   a. DOCTOR FORD shall submit an application for reinstatement, accompanied by appropriate fees, if any;

   b. DOCTOR FORD 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 FORD 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 FORD'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 under Section 4731.25, Ohio Revised Code, for making such assessments. Prior to the assessments, DOCTOR FORD shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of DOCTOR FORD, and any conditions, restrictions, or limitations that should be imposed on DOCTOR FORD's practice. The reports shall also describe the basis for the evaluator's determinations.

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

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

REQUIRED REPORTING BY LICENSEE

10. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR FORD 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 FORD 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 FORD 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 FORD 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 FORD 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 FORD 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.

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ACKNOWLEDGMENTS/LIABILITY RELEASE

DOCTOR FORD 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 FORD 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.

DONALD B. FORD, M.D.

10/2/00
DATE

ANAND G. GARG, M.D.
Secretary

10/11/00
DATE

KPByers
KEVIN P. BYERS, ESQ.
Attorney for Dr. Ford

9/29/00
DATE

RAYMOND J. ALBERT
Supervising Member

10/11/00
DATE

STATE MEDICAL BOARD
OCT - 2 2000

ANNE B. STRAIT, ESQ.
Assistant Attorney General

10/4/00
DATE

Rev. 10/99