BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

: Case No. 12-CRF-092

RAVI DUTT MADAN, M.D.:

ORDER AND ENTRY

On or about October 10, 2012, notice was issued to Ravi Dutt Madan, M.D., that the State Medical Board of Ohio intended to consider disciplinary action against his license to practice medicine and surgery in the state of Ohio. The Board having subsequently been notified of Dr. Madan's demise on or about March 8, 2013, it is hereby ORDERED that the above referenced matter be and is hereby dismissed as MOOT.

J. Craig Strafford MD MPH

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

SEAL

11 June 2013

Date

Mark A. Bechtel MD

Mark A. Bechtel, M.D.
Supervising Member

11 June 2013

Date

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 10, 2012

Case number: 12-CRF- 092

Ravi Dutt Madan, M.D.
Hope Cancer Center
825 West Market Street
Suite 260
Attn: Kim Bryant
Lima, Ohio 45805

Dear Doctor Madan:

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

(1) On or about October 8, 2008, you entered into the Step I Consent Agreement Between Ravi Dutt Madan, M.D., and the State Medical Board of Ohio [October 2008 Consent Agreement], in lieu of formal proceedings based upon your violation of Sections 4731.22(B)(10), 4731.22(B)(20,) and 4731.22(B)(26), Ohio Revised Code. Under the terms of the October 2008 Consent Agreement, your certificate to practice medicine and surgery was suspended for an indefinite period of time, but not less than one hundred and eighty days.

(2) On or about October 14, 2009, the Board issued an Order revoking your medical license, stayed the revocation, and subjected your medical license to further suspension for at least one year commencing April 8, 2009. The Order further imposed interim monitoring conditions, established conditions for license reinstatement or restoration and imposed subsequent probationary terms, conditions, and limitations for at least five years. The Order was based on the Board's determination that you violated Sections 4731.22(B)(15), 4731.22(B)(5) and 4731.22(B)(34), Ohio Revised Code.

(3) On or about October 13, 2010, you entered into a Step I Consent Agreement with the Board [October 2010 Consent Agreement] in lieu of further disciplinary

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proceedings based upon your violation of Sections 4731.22(B)(15) and 4731.22(B)(26), Ohio Revised Code. Under the terms of the October 2010 Consent Agreement, your certificate to practice medicine and surgery was suspended for an indefinite period of time, but not less than one hundred and eighty days.

(4) On or about July 13, 2011, the Board issued a citation [July 2011 Citation] against you, alleging that you were in violation of the October 2010 Consent Agreement. A copy of the July 2011 Citation is attached hereto and incorporated by reference. On or about April 11, 2012, you entered into a Superseding Step I Consent Agreement with the Board [April 2012 Consent Agreement] in lieu of further disciplinary proceedings based upon your violation of Sections 4731.22(B)(15), 4731.22(B)(19) and 4731.22(B)(26), Ohio Revised Code. In the April 2012 Consent Agreement, you admitted to the factual and legal allegations set forth in the July 2011 Citation. Under the terms of the April 2012 Consent Agreement, your certificate to practice medicine and surgery was revoked, the revocation was stayed, and your certificate was suspended for an indefinite period of time, but not less than three years. The April 2012 Consent Agreement remains in full force and effect, and you remain subject to its terms and conditions. A copy of the Superseding Step I Consent Agreement is attached hereto and incorporated herein.

(5) The April 2012 Step I Consent Agreement includes the following provision in paragraph 9:

> Dr. Madan shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Dr. Madan 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, and shall include Dr. Madan's drug(s) of choice.
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> * * *
>
> All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site pursuant to the global contract between said facility and the Board, that provides for the Board to maintain ultimate control over the urine screening process and to preserve the confidentiality of all positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code, and the screening process shall require a daily call-in procedure . . .

> Dr. Madan shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Madan shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Consent Agreement. Refusal to submit such specimen, or failure to submit such specimen on the day [you][are] selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

(a) Despite the requirements of the April 2012 Consent Agreement, you failed to call in at all on or about the following dates:

- April 12 and 26, 2012; May 12, 13, 18, 20, 22, 26, 27 and 29, 2012; June 2, 5, 7, 8, 9, 13, 14, 16, 17, 19, 22, 23, 24, 25, 27, 29 and 30; July 1-31, 2012; August 1-31, 2012; and September 1-30, 2012.

(b) Additionally, despite the requirements of the April 2012 Consent Agreement, you called in late on or about the following dates:

- April 14, 15, 21, 22, 23, 24, 27, 28, 29 and 30, 2012; May 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 19, 21, 23, 24, 25, 28, 30 and 31, 2012; and June 1, 3, 4, 6, 10, 11, 12, 15, 18, 20, 21, 22, 23, 26 and 28, 2012.

(c) Further, despite the requirements of the April 2012 Consent Agreement, you called in late and/or failed to call in at all on dates scheduled for you to provide a urine specimen, resulting in no specimen being collected on or about the following dates:

- April 23, 24 and 27, 2012; May 3, 4, 9, 10, 11, 12, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 29, 30 and 31, 2012; June 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30, 2012; July 2, 5, 13, 16, 17, 24 and 26, 2012; August 8, 14, 21 and 22, 2012; and September 6, 18, 24, 26 and 27, 2012.

(d) Additionally, despite the requirements of the April 2012 Consent Agreement, you failed to provide at least four urine specimens per month during the months of May, June, July, August and September 2012.

(6) The April 2012 Step I Consent Agreement includes the following provision in paragraph 7:

> Dr. Madan 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 October 2010 Step I Consent Agreement with the Board, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

Despite the requirements of the April 2012 Consent Agreement, you failed to submit quarterly declarations that were due in or around April and July 2012.

(7) The April 2012 Step I Consent Agreement includes the following provision in paragraph 13:

> Dr. Madan 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. Madan shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Madan's quarterly declarations.

Despite the requirements of the April 2012 Consent Agreement, you failed to submit attendance logs for the months of April, May, June, July and August 2012.

(8) The April 2012 Step I Consent Agreement includes the following provision in paragraph 5:

> Dr. Madan shall obtain permission from the Board for departures or absences from Ohio.

On or about September 11, 2012, you sent an electronic message to the Board, stating that you were going to India for six weeks. Despite the requirements of the April 2012 Consent Agreement, you failed to obtain the Board's permission for your departure or absence from Ohio.

(9) The April 2012 Step I Consent Agreement includes the following provisions in paragraph 15:

> Within thirty days of the effective date of this Consent Agreement, Dr. Madan shall submit to the Board for its prior approval the name and qualifications of a psychiatrist of [your] choice. Upon approval by the Board, Dr. Madan shall undergo and continue psychiatric treatment monthly or as otherwise directed by the Board . . .
>
> Dr. Madan [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 . . .
>
> It is Dr. Madan's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Madan's quarterly declarations.

Despite the requirements of the April 2012 Consent Agreement, you failed to submit to the Board the name and qualifications of a psychiatrist. Further, you failed to undergo and continue monthly psychiatric treatment, and you failed to submit to the Board psychiatric reports on a quarterly basis.

Your acts, conduct, and/or omissions as alleged in paragraphs (4) through (9) above, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

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

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

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

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

applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

J. Craig Strafford MD MPH

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

JCS/CDP/pev
Enclosures

CERTIFIED MAIL #91 7199 9991 7031 2767 3743
RETURN RECEIPT REQUESTED

cc: Terri-Lynne Smiles, Esq.
Collis, Smiles and Collis, LLC
1650 Lake Shore Drive
Suite 225
Columbus, OH 43204

CERTIFIED MAIL #91 7199 9991 7031 2767 3736
RETURN RECEIPT REQUESTED

cc: Ravi Dutt Madan
4866 Brook Grove Court
Elida, OH 45807

CERTIFIED MAIL #91 7199 9991 7031 2767 3729
RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

SUPERSEDING STEP I
CONSENT AGREEMENT
BETWEEN
RAVI DUTT MADAN, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO
CASE NO. 11-CRF-073

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

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

BASIS FOR ACTION

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

A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation of Section 4731.22(B)(15), Ohio Revised Code, for "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice;" Section 4731.22(B)(19), Ohio Revised Code, for an "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills;" and/or Section 4731.22(B)(26), Ohio Revised Code, for "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."

B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(15), 4731.22(B)(19), and 4731.22(B)(26), Ohio Revised Code, as set forth below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.

C. Dr. Madan is licensed to practice medicine and surgery in the State of Ohio, License number 35.075868. Dr. Madan's certificate to practice medicine and surgery was revoked, with said revocation stayed, and was indefinitely suspended, but not less than 180 days, pursuant to the Step I Consent Agreement between Ravi Dutt Madan, M.D., and the State Medical Board of Ohio, Case No 10-CRF-041, that became effective on or

about October 13, 2010 [October 2010 Step I Consent Agreement]. Further, Dr. Madan's certificate additionally expired due to non-renewal on or about July 1, 2010, and remains subject to certain terms, limitations, and conditions pursuant to the October 2010 Step I Consent Agreement.

D. Dr. Madan states that he is also licensed to practice medicine and surgery in the States of Michigan, Minnesota, and North Dakota.

E. Dr. Madan admits the factual and legal allegations of the July 13, 2011, Notice of Opportunity for Hearing, a copy of which is attached hereto and incorporated herein. Further, Dr. Madan admits that he is currently unable to practice medicine and surgery according to acceptable and prevailing standards of care due to depression.

AGREED CONDITIONS

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

REVOCATION, STAYED; SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Madan to practice medicine and surgery in the State of Ohio shall be REVOKED. Such a revocation is STAYED, and Dr. Madan's certificate shall be SUSPENDED for an indefinite period of time, but not less than three years from the effective date of this Superseding Step I Consent Agreement. Further, the October 2010 Step I Consent Agreement shall be terminated upon the effective date of the instant Superseding Step I Consent Agreement.

Obey all Laws

2. Dr. Madan shall obey all federal, state, and local laws.

Sobriety

3. Dr. Madan shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Madan's history of chemical dependency and psychiatric disorder. Further, in the event that Dr. Madan is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Dr. Madan shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Dr. Madan received; the medical purpose for which he received said drug; the date such drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date said drug is so prescribed, dispensed, or administered to him, Dr. Madan shall provide the Board with either a copy of the written prescription or

other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

4. Dr. Madan shall abstain completely from the use of alcohol.

Absences from Ohio

5. Dr. Madan shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Madan resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Madan may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Madan is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.

Releases; Quarterly Declarations and Appearances

6. Dr. Madan shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Madan's chemical dependency, psychiatric condition and/or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Madan 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.

7. Dr. Madan 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 October 2010 Step I Consent Agreement with the Board, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

8. Dr. Madan 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 October 2010 Step I Consent Agreement with the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

Drug & Alcohol Screens; Drug Testing Facility and Collection Site

9. Dr. Madan shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Dr. Madan 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, and shall include Dr. Madan's drug(s) of choice.

   Dr. Madan shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen. Dr. Madan acknowledges that he understands that the consumption or use of such substances, including but not limited to substances such as mouthwash or hand cleaning gel, may cause a positive drug screen that may not be able to be differentiated from intentional ingestion, and therefore such consumption or use is prohibited under this Consent Agreement.

   All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site pursuant to the global contract between said facility and the Board, that provides for the Board to maintain ultimate control over the urine screening process and to preserve the confidentiality of all positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code, and the screening process shall require a daily call-in procedure. Further, in the event that the Board exercises its discretion, as provided in Paragraph 10 below, to approve urine screenings to be conducted at an alternative drug testing facility and/or collection site or a supervising physician, such approval shall be expressly contingent upon the Board retaining ultimate control over the urine screening process in a manner that preserves the aforementioned confidentiality of all positive screening results.

   Dr. Madan shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Madan shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Consent Agreement. Refusal to submit such specimen, or failure to submit such specimen on the

day he is selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

Further, within thirty days of the effective date of this Consent Agreement, Dr. Madan shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug testing facility and/or collection site in order to facilitate the urine screening process in the manner required by this Consent Agreement. Further, Dr. Madan shall promptly provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Madan and the Board-approved drug testing facility and/or collection site. Dr. Madan's failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Consent Agreement.

Dr. Madan shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Madan and the Board-approved drug testing facility and collection site shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Madan shall ensure that the Board-approved drug testing facility and/or collection site provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

In the event that the Board-approved drug testing facility and/or collection site becomes unable or unwilling to serve as required by this Consent Agreement, Dr. Madan must immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph 10 below, as soon as practicable. Dr. Madan shall further ensure that the Board-approved drug testing facility and/or collection site also notifies the Board directly of its inability to continue to serve and the reasons therefore.

Dr. Madan acknowledges that the Board expressly reserves the right to withdraw its approval of any drug testing facility and/or collection site in the event that the Secretary and Supervising Member of the Board determine that the drug testing facility and/or collection site has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

10. Dr. Madan and the Board agree that it is the intent of this Consent Agreement that Dr. Madan shall submit his urine specimens to the Board-approved drug testing facility and collection site chosen by the Board. However, in the event that utilizing said Board-approved drug testing facility and/or collection site creates an extraordinary hardship upon Dr. Madan, as determined in the sole discretion of the Board, then subject to the

following requirements, the Board may approve an alternate drug testing facility and/or collection site, or a supervising physician, to facilitate the urine screening process for Dr. Madan:

a. Within thirty days of the date upon which Dr. Madan is notified of the Board's determination that utilizing the Board-approved drug testing facility and/or collection site constitutes an extraordinary hardship upon Dr. Madan, he shall submit to the Board in writing for its prior approval the identity of either an alternate drug testing facility and collection site, or the name of a proposed supervising physician, to whom Dr. Madan shall submit the required urine specimens. In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Dr. Madan's residence or employment location, or to a physician who practices in the same locale as Dr. Madan. Dr. Madan shall ensure that the urine screening process performed through the alternate drug testing facility and/or collection site, or through the supervising physician, requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Madan acknowledges that the alternate drug testing facility and collection site, or the supervising physician, shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

b. Dr. Madan shall ensure that the alternate drug testing facility and/or collection site, or the supervising physician, provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

c. In the event that the designated alternate drug testing facility and/or collection site, or the supervising physician, becomes unable or unwilling to so serve, Dr. Madan must immediately notify the Board in writing. Dr. Madan shall further ensure that the previously designated alternate drug testing facility and collection site, or the supervising physician, also notifies the Board directly of the inability to continue to serve and the reasons therefore. Further, in order to ensure that there will be no interruption in his urine screening process, upon the previously approved alternate drug testing facility, collection site, or supervising physician becoming unable to serve, Dr. Madan shall immediately commence urine screening at the Board-approved drug testing facility and collection site chosen by the Board, until such time, if any, that the Board approves a subsequent alternate drug testing facility, collection site, or supervising physician, if requested by Dr. Madan.

d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Dr. Madan's designated alternate drug testing facility and/or collection site, or any person proposed to serve as his supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the

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

11. All screening reports required under this Consent Agreement from the Board-approved drug testing facility and/or collection site, or from the alternate drug testing facility and/or collection site or supervising physician, must be received in the Board's offices no later than the due date for Dr. Madan's quarterly declaration. It is Dr. Madan's responsibility to ensure that reports are timely submitted.

12. The Board retains the right to require, and Dr. Madan agrees to submit, blood, urine, breath, saliva and/or hair specimens for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Madan, or for any other purpose, at Dr. Madan's expense upon the Board's request and without prior notice. Dr. Madan's refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

Rehabilitation Program

13. Dr. Madan 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. Madan shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Madan's quarterly declarations.

14. Immediately upon completion of any required treatment for chemical dependency, Dr. Madan shall enter into an aftercare contract with a Board-approved treatment provider and shall maintain continued compliance with the terms of said aftercare contract, provided that, where the terms of the aftercare contract conflict with the terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Psychiatric Treatment and Monitoring

15. Within thirty days of the effective date of this Consent Agreement, Dr. Madan 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. Madan shall undergo and continue psychiatric treatment monthly or as otherwise directed by the Board. Dr. Madan shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his psychiatric disorder. Dr. Madan 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. Madan's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Madan's compliance with his treatment plan; Dr. Madan's mental status; Dr. Madan's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Madan 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. Madan is unable to practice due to his psychiatric disorder. It is Dr. Madan's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Madan's quarterly declaration.

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

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

CONDITIONS FOR REINSTATEMENT

16. The Board shall not consider reinstatement or restoration of Dr. Madan's certificate to practice medicine and surgery until all of the following conditions are met:

    a. Dr. Madan shall submit an application for reinstatement or restoration, as appropriate, accompanied by appropriate fees, if any.

    b. Dr. Madan shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:

        i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Madan has successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical abuse/dependence, as set forth in Rules

4731-16-02 and 4731-16-08, Ohio Administrative Code, completed consecutively.

ii. Evidence of continuing full compliance with, or successful completion of, a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.

iii. Evidence of continuing full compliance with this Consent Agreement.

iv. Four written reports indicating that Dr. Madan's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. Two of the reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide a chemical dependency assessment of Dr. Madan. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Madan shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Madan, and any conditions, restrictions, or limitations that should be imposed on Dr. Madan's practice. The reports shall also describe the basis for the evaluator's determinations.

Two of the reports shall be made by physicians knowledgeable in the area of psychiatry and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide a psychiatric assessment of Dr. Madan. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Madan shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Madan, and any conditions, restrictions, or limitations that should be imposed on Dr. Madan's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated

assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

v. Prior to submitting his application for reinstatement or restoration, Dr. Madan shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess Dr. Madan's clinical competency.

vi. In the event that the Board initiates future formal proceedings against Dr. Madan, including but not limited to issuance of a Notice of Opportunity for Hearing, Dr. Madan shall be ineligible for reinstatement or restoration until such proceedings are fully resolved by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

c. Dr. Madan shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board within 180 days of the date upon which all the above-specified conditions for reinstatement or restoration have been completed or, if the Board and Dr. Madan are unable to agree on the terms of a written Consent Agreement, then Dr. Madan 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. The Board shall provide notice to Dr. Madan that said hearing has been scheduled, advising Dr. Madan of his hearing rights, and stating the date, time, and location of the hearing at which the Board will present its evidence, after which the Board will make a determination of the matter by Board Order.

Further, upon reinstatement of Dr. Madan's certificate to practice medicine and surgery in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code. Moreover, upon termination of the consent agreement or Board Order, Dr. Madan shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Madan has maintained sobriety.

REQUIRED REPORTING BY LICENSEE

17. Within thirty days of the effective date of this Consent Agreement, Dr. Madan shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Madan shall promptly 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. In the event that Dr. Madan provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Madan shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Madan shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

18. Within thirty days of the effective date of this Consent Agreement, Dr. Madan shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Madan further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Madan shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

19. Dr. Madan shall promptly provide a copy of this Consent Agreement to all persons and entities that provide Dr. Madan chemical dependency and/or psychiatric treatment or monitoring. Further, Dr. Madan shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement

was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

20. Dr. Madan shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

DURATION/MODIFICATION OF TERMS

The above-described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties. In the event that the Board initiates future formal proceedings against Dr. Madan, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

In the event that any term, limitation, or condition contained in this Consent Agreement is determined to be invalid by a court of competent jurisdiction, Dr. Madan and the Board agree that all other terms, limitations, and conditions contained in this Consent Agreement shall be unaffected.

FAILURE TO COMPLY

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

ACKNOWLEDGMENTS/LIABILITY RELEASE

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

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Madan acknowledges that his social security number will be used if this information is so reported and agrees to provide his/her social security number to the Board for such purposes.

EFFECTIVE DATE

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

RAVI DUTT MADAN, M.D.

4/9/12
DATE

J. Craig Strafford MD MPH
J. CRAIG STRAFFORD, M.D., M.P.H.
Secretary

11 April 2012
DATE

TERRI-LYNNE B. SMILES
Attorney for Dr. Madan

4/9/12
DATE

Lance A. Talmage MD
~~JACK C. AMATO, M.D.~~ Lance A. Talmage, MD
~~Supervising Member~~ Acting Supervising Member

4-11-12
DATE

HEIDI WAGNER DORN
Assistant Attorney General

4/9/12
DATE

DAVID P. KATKO
Enforcement Attorney

04/09/12
DATE

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

July 13, 2011

Case number: 11-CRF- 073

Ravi Dutt Madan, M.D.
Hope Cancer Center
825 W. Market Street, Suite 260
ATTN: Kim Bryant
Lima, OH 45805

Dear Doctor Madan:

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

(1) On or about October 8, 2008, you entered into the Step I Consent Agreement Between Ravi Dutt Madan, M.D., and the State Medical Board of Ohio [October 2008 Consent Agreement], in lieu of formal proceedings based upon your violation of Sections 4731.22(B)(10), 4731.22(B)(20) and 4731.22(B)(26), Ohio Revised Code. Under the terms of the October 2008 Consent Agreement, your certificate to practice medicine and surgery was suspended for an indefinite period of time, but not less than one hundred and eighty days.

(2) On or about October 14, 2009, the Board issued an Order revoking your medical license, stayed said revocation, and subjected your medical license to suspension for at least one year commencing April 8, 2009. The Order further imposed interim monitoring conditions and established conditions for license reinstatement or restoration, and subsequent probationary terms, conditions, and limitations for at least five years. The Order was based on the Board's determination that you violated the conditions of limitation placed on your medical license by the October 2008 Consent Agreement by submitting urine specimens that tested positive for EtG and refusing to provide a urine specimen as requested by a Board investigator. The Board further determined that you

Mailed 7-14-11

made false, fraudulent, deceptive, or misleading statements in relation to the practice of medicine and failed to cooperate in a Board investigation.

(3) On or about April 14, 2010, the Board issued a Notice of Opportunity for Hearing alleging that you violated Sections 4731.22(B)(15) and 4731.22(B)(26), Ohio Revised Code, by, respectively, violating your Order and being impaired in your ability to practice medicine and surgery due to providing a urine drug screen that was positive for and GCMS confirmed for the presence of Lorazepam.

(4) On or about October 13, 2010, you entered into a Step I Consent Agreement with the Board [October 2010 Consent Agreement] in lieu of further disciplinary proceedings based upon your violation of Sections 4731.22(B)(15) and 4731.22(B)(26), Ohio Revised Code.

Under the terms of the October 2010 Consent Agreement, your certificate to practice medicine and surgery was revoked, said revocation was stayed, and your certificate was suspended for an indefinite period of time, but not less than one hundred and eighty days. In addition monitoring conditions and conditions for reinstatement were established. To date you remain subject to all terms and conditions of the October 2010 Consent Agreement.

(5) Paragraph 9 of the October 2010 Consent Agreement requires that you provide random urine specimens for screening for drugs and alcohol. Further, paragraph 9 requires, in pertinent part, that:

> [you] shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. [You] 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, and shall include [your] drug(s) of choice. . . .
>
> All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site pursuant to the global contract between said facility and the Board, that provides for the Board to maintain ultimate control over the urine screening process and to preserve the confidentiality of all positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code, and the screening process shall require a daily call-in procedure. . . .
>
> [You] shall submit, at [your] expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens

submitted by [you] shall be negative, except for those substances prescribed, administered, or dispensed to [you] in conformance with the terms, conditions and limitations set forth in this Consent Agreement. Refusal to submit such specimen, or failure to submit such specimen on the day [you] are selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

(a) Despite the requirements of the October 2010 Consent Agreement, you failed to call in at all on or about the following dates:

- December 26, 2010, December 27, 2010, December 28, 2010, December 29, 2010, December 30, 2010, December 31, 2010, January 1, 2011, May 6, 2011, May 16, 2011, May 17, 2011, June 11, 2011, and June 14, 2011.

(b) Further, despite the requirements of the October 2010 Consent Agreement, you called in late and/or failed to call in at all on dates scheduled for you to provide a urine specimen, resulting in no specimen being collected on or about the following dates:

- January 5, 2011, January 15, 2011, February 17, 2011, March 7, 2011, April 6, 2011, May 6, 2011, May 18, 2011, May 26, 2011, May 31, 2011, and June 9, 2011.

(c) Further, despite the requirements of the October 2010 Consent Agreement, you called in late on or about the following dates:

- November 5, 2010, November 16, 2010, November 29, 2010, December 7, 2010, December 14, 2010, December 18, 2010, December 23, 2010, January 9, 2011, January 10, 2011, February 10, 2011, February 22, 2011, February 25, 2011, March 6, 2011, March 9, 2011, March 17, 2011, March 19, 2011, March 25, 2011, April 3, 2011, April 8, 2011, April 11, 2011, April 28, 2011, May 2, 2011, May 7, 2011, May 14, 2011, May 27, 2011, June 2, 2011, and June 15, 2011.

(d) Further, despite the requirements of the October 2010 Consent Agreement, on or about November 23, 2010, you called in and were notified that you were required to submit a urine specimen yet you failed to submit a urine specimen as required on November 23, 2010.

(e) Further, despite the requirements of the October 2010 Consent Agreement, on or about March 24, 2011, and April 7, 2011, you called in and were advised to select an option which tests for ethyl glucuronide [EtG] and ethyl sulfonamide [EtS], when you provided your urine

specimen. Despite the requirement to select that option, you selected a different option which does not test for EtG or EtS.

(f) Further, despite the requirements of the October 2010 Consent Agreement, you failed to provide at least four urine specimens per month during the months of February and May, 2011.

Your acts, conduct, and/or omissions as alleged in paragraphs (4) and (5) above, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

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

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

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

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

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Lance A. Talmage, M.D.
Secretary

LAT/DPK/flb
Enclosures

CERTIFIED MAIL #91 7199 9991 7030 3308 1564
RETURN RECEIPT REQUESTED

cc: Terri-Lynne Smiles, Esq.
Collis, Smiles and Collis, LLC
1650 Lake Shore Drive
Suite 225
Columbus, OH 43204

CERTIFIED MAIL #91 7199 9991 7030 3308 1557
RETURN RECEIPT REQUESTED

cc: Ravi Dutt Madan
4866 Brook Grove Court
Elida, OH 45807

CERTIFIED MAIL #91 7199 9991 7030 3308 1540
RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

SUPERSEDING STEP I
CONSENT AGREEMENT
BETWEEN
RAVI DUTT MADAN, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO
CASE NO. 11-CRF-073

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

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

BASIS FOR ACTION

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

A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation of Section 4731.22(B)(15), Ohio Revised Code, for "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice;" Section 4731.22(B)(19), Ohio Revised Code, for an "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills;" and/or Section 4731.22(B)(26), Ohio Revised Code, for "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."

B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(15), 4731.22(B)(19), and 4731.22(B)(26), Ohio Revised Code, as set forth below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.

C. Dr. Madan is licensed to practice medicine and surgery in the State of Ohio, License number 35.075868. Dr. Madan's certificate to practice medicine and surgery was revoked, with said revocation stayed, and was indefinitely suspended, but not less than 180 days, pursuant to the Step I Consent Agreement between Ravi Dutt Madan, M.D., and the State Medical Board of Ohio, Case No 10-CRF-041, that became effective on or

about October 13, 2010 [October 2010 Step I Consent Agreement]. Further, Dr. Madan's certificate additionally expired due to non-renewal on or about July 1, 2010, and remains subject to certain terms, limitations, and conditions pursuant to the October 2010 Step I Consent Agreement.

D. Dr. Madan states that he is also licensed to practice medicine and surgery in the States of Michigan, Minnesota, and North Dakota.

E. Dr. Madan admits the factual and legal allegations of the July 13, 2011, Notice of Opportunity for Hearing, a copy of which is attached hereto and incorporated herein. Further, Dr. Madan admits that he is currently unable to practice medicine and surgery according to acceptable and prevailing standards of care due to depression.

AGREED CONDITIONS

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

REVOCATION, STAYED; SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Madan to practice medicine and surgery in the State of Ohio shall be REVOKED. Such a revocation is STAYED, and Dr. Madan's certificate shall be SUSPENDED for an indefinite period of time, but not less than three years from the effective date of this Superseding Step I Consent Agreement. Further, the October 2010 Step I Consent Agreement shall be terminated upon the effective date of the instant Superseding Step I Consent Agreement.

Obey all Laws

2. Dr. Madan shall obey all federal, state, and local laws.

Sobriety

3. Dr. Madan shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Madan's history of chemical dependency and psychiatric disorder. Further, in the event that Dr. Madan is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Dr. Madan shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Dr. Madan received; the medical purpose for which he received said drug; the date such drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date said drug is so prescribed, dispensed, or administered to him, Dr. Madan shall provide the Board with either a copy of the written prescription or

other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

4. Dr. Madan shall abstain completely from the use of alcohol.

Absences from Ohio

5. Dr. Madan shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Madan resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Madan may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Madan is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.

Releases; Quarterly Declarations and Appearances

6. Dr. Madan shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Madan's chemical dependency, psychiatric condition and/or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Madan 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.

7. Dr. Madan 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 October 2010 Step I Consent Agreement with the Board, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

8. Dr. Madan 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 October 2010 Step I Consent Agreement with the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

Drug & Alcohol Screens; Drug Testing Facility and Collection Site

9. Dr. Madan shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Dr. Madan 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, and shall include Dr. Madan's drug(s) of choice.

   Dr. Madan shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen. Dr. Madan acknowledges that he understands that the consumption or use of such substances, including but not limited to substances such as mouthwash or hand cleaning gel, may cause a positive drug screen that may not be able to be differentiated from intentional ingestion, and therefore such consumption or use is prohibited under this Consent Agreement.

   All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site pursuant to the global contract between said facility and the Board, that provides for the Board to maintain ultimate control over the urine screening process and to preserve the confidentiality of all positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code, and the screening process shall require a daily call-in procedure. Further, in the event that the Board exercises its discretion, as provided in Paragraph 10 below, to approve urine screenings to be conducted at an alternative drug testing facility and/or collection site or a supervising physician, such approval shall be expressly contingent upon the Board retaining ultimate control over the urine screening process in a manner that preserves the aforementioned confidentiality of all positive screening results.

   Dr. Madan shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Madan shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Consent Agreement. Refusal to submit such specimen, or failure to submit such specimen on the

day he is selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

Further, within thirty days of the effective date of this Consent Agreement, Dr. Madan shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug testing facility and/or collection site in order to facilitate the urine screening process in the manner required by this Consent Agreement. Further, Dr. Madan shall promptly provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Madan and the Board-approved drug testing facility and/or collection site. Dr. Madan's failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Consent Agreement.

Dr. Madan shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Madan and the Board-approved drug testing facility and collection site shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Madan shall ensure that the Board-approved drug testing facility and/or collection site provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

In the event that the Board-approved drug testing facility and/or collection site becomes unable or unwilling to serve as required by this Consent Agreement, Dr. Madan must immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph 10 below, as soon as practicable. Dr. Madan shall further ensure that the Board-approved drug testing facility and/or collection site also notifies the Board directly of its inability to continue to serve and the reasons therefore.

Dr. Madan acknowledges that the Board expressly reserves the right to withdraw its approval of any drug testing facility and/or collection site in the event that the Secretary and Supervising Member of the Board determine that the drug testing facility and/or collection site has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

10. Dr. Madan and the Board agree that it is the intent of this Consent Agreement that Dr. Madan shall submit his urine specimens to the Board-approved drug testing facility and collection site chosen by the Board. However, in the event that utilizing said Board-approved drug testing facility and/or collection site creates an extraordinary hardship upon Dr. Madan, as determined in the sole discretion of the Board, then subject to the

following requirements, the Board may approve an alternate drug testing facility and/or collection site, or a supervising physician, to facilitate the urine screening process for Dr. Madan:

a. Within thirty days of the date upon which Dr. Madan is notified of the Board's determination that utilizing the Board-approved drug testing facility and/or collection site constitutes an extraordinary hardship upon Dr. Madan, he shall submit to the Board in writing for its prior approval the identity of either an alternate drug testing facility and collection site, or the name of a proposed supervising physician, to whom Dr. Madan shall submit the required urine specimens. In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Dr. Madan's residence or employment location, or to a physician who practices in the same locale as Dr. Madan. Dr. Madan shall ensure that the urine screening process performed through the alternate drug testing facility and/or collection site, or through the supervising physician, requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Madan acknowledges that the alternate drug testing facility and collection site, or the supervising physician, shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

b. Dr. Madan shall ensure that the alternate drug testing facility and/or collection site, or the supervising physician, provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

c. In the event that the designated alternate drug testing facility and/or collection site, or the supervising physician, becomes unable or unwilling to so serve, Dr. Madan must immediately notify the Board in writing. Dr. Madan shall further ensure that the previously designated alternate drug testing facility and collection site, or the supervising physician, also notifies the Board directly of the inability to continue to serve and the reasons therefore. Further, in order to ensure that there will be no interruption in his urine screening process, upon the previously approved alternate drug testing facility, collection site, or supervising physician becoming unable to serve, Dr. Madan shall immediately commence urine screening at the Board-approved drug testing facility and collection site chosen by the Board, until such time, if any, that the Board approves a subsequent alternate drug testing facility, collection site, or supervising physician, if requested by Dr. Madan.

d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Dr. Madan's designated alternate drug testing facility and/or collection site, or any person proposed to serve as his supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the

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

11. All screening reports required under this Consent Agreement from the Board-approved drug testing facility and/or collection site, or from the alternate drug testing facility and/or collection site or supervising physician, must be received in the Board's offices no later than the due date for Dr. Madan's quarterly declaration. It is Dr. Madan's responsibility to ensure that reports are timely submitted.

12. The Board retains the right to require, and Dr. Madan agrees to submit, blood, urine, breath, saliva and/or hair specimens for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Madan, or for any other purpose, at Dr. Madan's expense upon the Board's request and without prior notice. Dr. Madan's refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

Rehabilitation Program

13. Dr. Madan 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. Madan shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Madan's quarterly declarations.

14. Immediately upon completion of any required treatment for chemical dependency, Dr. Madan shall enter into an aftercare contract with a Board-approved treatment provider and shall maintain continued compliance with the terms of said aftercare contract, provided that, where the terms of the aftercare contract conflict with the terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Psychiatric Treatment and Monitoring

15. Within thirty days of the effective date of this Consent Agreement, Dr. Madan 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. Madan shall undergo and continue psychiatric treatment monthly or as otherwise directed by the Board. Dr. Madan shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his psychiatric disorder. Dr. Madan 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. Madan's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Madan's compliance with his treatment plan; Dr. Madan's mental status; Dr. Madan's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Madan 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. Madan is unable to practice due to his psychiatric disorder. It is Dr. Madan's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Madan's quarterly declaration.

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

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

CONDITIONS FOR REINSTATEMENT

16. The Board shall not consider reinstatement or restoration of Dr. Madan's certificate to practice medicine and surgery until all of the following conditions are met:

    a. Dr. Madan shall submit an application for reinstatement or restoration, as appropriate, accompanied by appropriate fees, if any.

    b. Dr. Madan shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:

        i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Madan has successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical abuse/dependence, as set forth in Rules

4731-16-02 and 4731-16-08, Ohio Administrative Code, completed consecutively.

ii. Evidence of continuing full compliance with, or successful completion of, a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.

iii. Evidence of continuing full compliance with this Consent Agreement.

iv. Four written reports indicating that Dr. Madan's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. Two of the reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide a chemical dependency assessment of Dr. Madan. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Madan shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Madan, and any conditions, restrictions, or limitations that should be imposed on Dr. Madan's practice. The reports shall also describe the basis for the evaluator's determinations.

Two of the reports shall be made by physicians knowledgeable in the area of psychiatry and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide a psychiatric assessment of Dr. Madan. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Madan shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Madan, and any conditions, restrictions, or limitations that should be imposed on Dr. Madan's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated

assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

v. Prior to submitting his application for reinstatement or restoration, Dr. Madan shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess Dr. Madan's clinical competency.

vi. In the event that the Board initiates future formal proceedings against Dr. Madan, including but not limited to issuance of a Notice of Opportunity for Hearing, Dr. Madan shall be ineligible for reinstatement or restoration until such proceedings are fully resolved by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

c. Dr. Madan shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board within 180 days of the date upon which all the above-specified conditions for reinstatement or restoration have been completed or, if the Board and Dr. Madan are unable to agree on the terms of a written Consent Agreement, then Dr. Madan 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. The Board shall provide notice to Dr. Madan that said hearing has been scheduled, advising Dr. Madan of his hearing rights, and stating the date, time, and location of the hearing at which the Board will present its evidence, after which the Board will make a determination of the matter by Board Order.

Further, upon reinstatement of Dr. Madan's certificate to practice medicine and surgery in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code. Moreover, upon termination of the consent agreement or Board Order, Dr. Madan shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Madan has maintained sobriety.

REQUIRED REPORTING BY LICENSEE

17. Within thirty days of the effective date of this Consent Agreement, Dr. Madan shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Madan shall promptly 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. In the event that Dr. Madan provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Madan shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Madan shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

18. Within thirty days of the effective date of this Consent Agreement, Dr. Madan shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Madan further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Madan shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

19. Dr. Madan shall promptly provide a copy of this Consent Agreement to all persons and entities that provide Dr. Madan chemical dependency and/or psychiatric treatment or monitoring. Further, Dr. Madan shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement

was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

20. Dr. Madan shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

DURATION/MODIFICATION OF TERMS

The above-described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties. In the event that the Board initiates future formal proceedings against Dr. Madan, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

In the event that any term, limitation, or condition contained in this Consent Agreement is determined to be invalid by a court of competent jurisdiction, Dr. Madan and the Board agree that all other terms, limitations, and conditions contained in this Consent Agreement shall be unaffected.

FAILURE TO COMPLY

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

ACKNOWLEDGMENTS/LIABILITY RELEASE

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

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Madan acknowledges that his social security number will be used if this information is so reported and agrees to provide his/her social security number to the Board for such purposes.

EFFECTIVE DATE

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

RAVI DUTT MADAN, M.D.

4/9/12

DATE

J. Craig Strafford MD MPH

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

11 April 2012

DATE

TERRI-LYNNE B. SMILES
Attorney for Dr. Madan

4/9/12

DATE

Lance A. Talmage MD

~~JACK C. AMATO, M.D.~~ Lance A. Talmage, MD
~~Supervising Member~~ Acting Supervising Member

4-11-12

DATE

HEIDI WAGNER DORN
Assistant Attorney General

4/9/12

DATE

David P. Katko

DAVID P. KATKO
Enforcement Attorney

04/09/12

DATE

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

July 13, 2011

Case number: 11-CRF- 073

Ravi Dutt Madan, M.D.
Hope Cancer Center
825 W. Market Street, Suite 260
ATTN: Kim Bryant
Lima, OH 45805

Dear Doctor Madan:

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

(1) On or about October 8, 2008, you entered into the Step I Consent Agreement Between Ravi Dutt Madan, M.D., and the State Medical Board of Ohio [October 2008 Consent Agreement], in lieu of formal proceedings based upon your violation of Sections 4731.22(B)(10), 4731.22(B)(20) and 4731.22(B)(26), Ohio Revised Code. Under the terms of the October 2008 Consent Agreement, your certificate to practice medicine and surgery was suspended for an indefinite period of time, but not less than one hundred and eighty days.

(2) On or about October 14, 2009, the Board issued an Order revoking your medical license, stayed said revocation, and subjected your medical license to suspension for at least one year commencing April 8, 2009. The Order further imposed interim monitoring conditions and established conditions for license reinstatement or restoration, and subsequent probationary terms, conditions, and limitations for at least five years. The Order was based on the Board's determination that you violated the conditions of limitation placed on your medical license by the October 2008 Consent Agreement by submitting urine specimens that tested positive for EtG and refusing to provide a urine specimen as requested by a Board investigator. The Board further determined that you

Mailed 7-14-11

made false, fraudulent, deceptive, or misleading statements in relation to the practice of medicine and failed to cooperate in a Board investigation.

(3) On or about April 14, 2010, the Board issued a Notice of Opportunity for Hearing alleging that you violated Sections 4731.22(B)(15) and 4731.22(B)(26), Ohio Revised Code, by, respectively, violating your Order and being impaired in your ability to practice medicine and surgery due to providing a urine drug screen that was positive for and GCMS confirmed for the presence of Lorazepam.

(4) On or about October 13, 2010, you entered into a Step I Consent Agreement with the Board [October 2010 Consent Agreement] in lieu of further disciplinary proceedings based upon your violation of Sections 4731.22(B)(15) and 4731.22(B)(26), Ohio Revised Code.

Under the terms of the October 2010 Consent Agreement, your certificate to practice medicine and surgery was revoked, said revocation was stayed, and your certificate was suspended for an indefinite period of time, but not less than one hundred and eighty days. In addition monitoring conditions and conditions for reinstatement were established. To date you remain subject to all terms and conditions of the October 2010 Consent Agreement.

(5) Paragraph 9 of the October 2010 Consent Agreement requires that you provide random urine specimens for screening for drugs and alcohol. Further, paragraph 9 requires, in pertinent part, that:

> [you] shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. [You] 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, and shall include [your] drug(s) of choice. . . .
>
> All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site pursuant to the global contract between said facility and the Board, that provides for the Board to maintain ultimate control over the urine screening process and to preserve the confidentiality of all positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code, and the screening process shall require a daily call-in procedure. . . .
>
> [You] shall submit, at [your] expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens

submitted by [you] shall be negative, except for those substances prescribed, administered, or dispensed to [you] in conformance with the terms, conditions and limitations set forth in this Consent Agreement. Refusal to submit such specimen, or failure to submit such specimen on the day [you] are selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

(a) Despite the requirements of the October 2010 Consent Agreement, you failed to call in at all on or about the following dates:

- December 26, 2010, December 27, 2010, December 28, 2010, December 29, 2010, December 30, 2010, December 31, 2010, January 1, 2011, May 6, 2011, May 16, 2011, May 17, 2011, June 11, 2011, and June 14, 2011.

(b) Further, despite the requirements of the October 2010 Consent Agreement, you called in late and/or failed to call in at all on dates scheduled for you to provide a urine specimen, resulting in no specimen being collected on or about the following dates:

- January 5, 2011, January 15, 2011, February 17, 2011, March 7, 2011, April 6, 2011, May 6, 2011, May 18, 2011, May 26, 2011, May 31, 2011, and June 9, 2011.

(c) Further, despite the requirements of the October 2010 Consent Agreement, you called in late on or about the following dates:

- November 5, 2010, November 16, 2010, November 29, 2010, December 7, 2010, December 14, 2010, December 18, 2010, December 23, 2010, January 9, 2011, January 10, 2011, February 10, 2011, February 22, 2011, February 25, 2011, March 6, 2011, March 9, 2011, March 17, 2011, March 19, 2011, March 25, 2011, April 3, 2011, April 8, 2011, April 11, 2011, April 28, 2011, May 2, 2011, May 7, 2011, May 14, 2011, May 27, 2011, June 2, 2011, and June 15, 2011.

(d) Further, despite the requirements of the October 2010 Consent Agreement, on or about November 23, 2010, you called in and were notified that you were required to submit a urine specimen yet you failed to submit a urine specimen as required on November 23, 2010.

(e) Further, despite the requirements of the October 2010 Consent Agreement, on or about March 24, 2011, and April 7, 2011, you called in and were advised to select an option which tests for ethyl glucuronide [EtG] and ethyl sulfonamide [EtS], when you provided your urine

specimen. Despite the requirement to select that option, you selected a different option which does not test for EtG or EtS.

(f) Further, despite the requirements of the October 2010 Consent Agreement, you failed to provide at least four urine specimens per month during the months of February and May, 2011.

Your acts, conduct, and/or omissions as alleged in paragraphs (4) and (5) above, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

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

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

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

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

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Lance A. Talmage, M.D.
Secretary

LAT/DPK/flb
Enclosures

CERTIFIED MAIL #91 7199 9991 7030 3308 1564
RETURN RECEIPT REQUESTED

cc: Terri-Lynne Smiles, Esq.
Collis, Smiles and Collis, LLC
1650 Lake Shore Drive
Suite 225
Columbus, OH 43204

CERTIFIED MAIL #91 7199 9991 7030 3308 1557
RETURN RECEIPT REQUESTED

cc: Ravi Dutt Madan
4866 Brook Grove Court
Elida, OH 45807

CERTIFIED MAIL #91 7199 9991 7030 3308 1540
RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

STEP I
CONSENT AGREEMENT
BETWEEN
RAVI DUTT MADAN, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO
CASE NO. 10-CRF-041

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

Dr. Madan 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)(15), 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 a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice."

B. The Board is also 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."

C. The Board enters into this Consent Agreement in lieu of further formal proceedings based upon the allegations set forth in the Notice of Opportunity for Hearing issued on April 14, 2010, attached hereto as Exhibit A and incorporated herein by this reference. The Board expressly reserves the right to institute additional formal proceedings based upon any other violations of R.C. Chapter 4731., whether occurring before or after the effective date of this Consent Agreement. Dr. Madan is currently under the terms of an October 14, 2009 Board order, which revoked his certificate, stayed such revocation, and indefinitely suspended his certificate for not less than one year commencing from April 8, 2009.

D. Dr. Madan is licensed to practice medicine and surgery in the State of Ohio, License number #35-075868.

E. Dr. Madan states that he is also licensed to practice medicine and surgery in the States of Michigan, Minnesota and North Dakota.

F. Dr. Madan admits to the factual and legal allegations of the April 14, 2010, Notice of Opportunity for Hearing.

AGREED CONDITIONS

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

REVOCATION, STAYED; SUSPENSION

1. The certificate of Dr. Madan to practice medicine and surgery in the State of Ohio shall be REVOKED. Such revocation is STAYED, and Dr. Madan's certificate shall be SUSPENDED for an indefinite period of time, but not less than one hundred and eighty days from the effective date of this Step I Consent Agreement. The previous suspension of Dr. Madan's certificate to practice medicine and surgery in the State of Ohio for an indefinite period of time, but not less than one year, stemming from the October 2009 Order of the Board, is hereby terminated upon the effective date of the instant Step I Consent Agreement.

Obey all Laws

2. Dr. Madan shall obey all federal, state, and local laws.

Sobriety

3. Dr. Madan shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Madan's history of chemical dependency. Further, in the event that Dr. Madan is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Dr. Madan shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Dr. Madan received; the medical purpose for which he received said drug; the date such drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date said drug is so prescribed, dispensed, or administered to him, Dr. Madan shall provide the Board

with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

4. Dr. Madan shall abstain completely from the use of alcohol.

Absences from Ohio

5. Dr. Madan shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Madan resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Madan may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Madan is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.

Releases; Quarterly Declarations and Appearances

6. Dr. Madan shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Madan's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Madan 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.

7. Dr. Madan shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

8. Dr. Madan shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

Drug & Alcohol Screens; Drug Testing Facility and Collection Site

9. Dr. Madan shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Dr. Madan 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, and shall include Dr. Madan's drug(s) of choice.

   Dr. Madan shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen. Dr. Madan acknowledges that he understands that the consumption or use of such substances, including but not limited to substances such as mouthwash or hand cleaning gel, may cause a positive drug screen that may not be able to be differentiated from intentional ingestion, and therefore such consumption or use is prohibited under this Consent Agreement.

   All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site pursuant to the global contract between said facility and the Board, that provides for the Board to maintain ultimate control over the urine screening process and to preserve the confidentiality of all positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code, and the screening process shall require a daily call-in procedure. Further, in the event that the Board exercises its discretion, as provided in Paragraph 10 below, to approve urine screenings to be conducted at an alternative drug testing facility and/or collection site or a supervising physician, such approval shall be expressly contingent upon the Board retaining ultimate control over the urine screening process in a manner that preserves the aforementioned confidentiality of all positive screening results.

   Dr. Madan shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Madan shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Consent Agreement. Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

   Further, within thirty days of the effective date of this Consent Agreement, Dr. Madan shall enter into the necessary financial and/or contractual arrangements with the Board-

approved drug testing facility and/or collection site in order to facilitate the urine screening process in the manner required by this Consent Agreement. Further, Dr. Madan shall promptly provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Madan and the Board-approved drug testing facility and/or collection site. Dr. Madan's failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Consent Agreement.

Dr. Madan shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Madan and the Board-approved drug testing facility and collection site shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Madan shall ensure that the Board-approved drug testing facility and/or collection site provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

In the event that the Board-approved drug testing facility and/or collection site becomes unable or unwilling to serve as required by this Consent Agreement, Dr. Madan must immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph 10 below, as soon as practicable. Dr. Madan shall further ensure that the Board-approved drug testing facility and/or collection site also notifies the Board directly of its inability to continue to serve and the reasons therefore.

Dr. Madan acknowledges that the Board expressly reserves the right to withdraw its approval of any drug testing facility and/or collection site in the event that the Secretary and Supervising Member of the Board determine that the drug testing facility and/or collection site has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

10. Dr. Madan and the Board agree that it is the intent of this Consent Agreement that Dr. Madan shall submit his urine specimens to the Board-approved drug testing facility and collection site chosen by the Board. However, in the event that utilizing said Board-approved drug testing facility and/or collection site creates an extraordinary hardship upon Dr. Madan, as determined in the sole discretion of the Board, then subject to the following requirements, the Board may approve an alternate drug testing facility and/or collection site, or a supervising physician, to facilitate the urine screening process for Dr. Madan:

a. Within thirty days of the date upon which Dr. Madan is notified of the Board's determination that utilizing the Board-approved drug testing facility and/or collection site constitutes an extraordinary hardship upon Dr. Madan, he shall submit to the Board in writing for its prior approval the identity of either an alternate drug testing facility and collection site, or the name of a proposed supervising physician, to whom Dr. Madan shall submit the required urine specimens. In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Dr. Madan's residence or employment location, or to a physician who practices in the same locale as Dr. Madan. Dr. Madan shall ensure that the urine screening process performed through the alternate drug testing facility and/or collection site, or through the supervising physician, requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Madan acknowledges that the alternate drug testing facility and collection site, or the supervising physician, shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

b. Dr. Madan shall ensure that the alternate drug testing facility and/or collection site, or the supervising physician, provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

c. In the event that the designated alternate drug testing facility and/or collection site, or the supervising physician, becomes unable or unwilling to so serve, Dr. Madan must immediately notify the Board in writing. Dr. Madan shall further ensure that the previously designated alternate drug testing facility and collection site, or the supervising physician, also notifies the Board directly of the inability to continue to serve and the reasons therefore. Further, in order to ensure that there will be no interruption in his urine screening process, upon the previously approved alternate drug testing facility, collection site, or supervising physician becoming unable to serve, Dr. Madan shall immediately commence urine screening at the Board-approved drug testing facility and collection site chosen by the Board, until such time, if any, that the Board approves a subsequent alternate drug testing facility, collection site, or supervising physician, if requested by Dr. Madan.

d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Dr. Madan's designated alternate drug testing facility and/or collection site, or any person proposed to serve as his supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

11. All screening reports required under this Consent Agreement from the Board-approved drug testing facility and/or collection site, or from the alternate drug testing facility and/or collection site or supervising physician, must be received in the Board's offices no later than the due date for Dr. Madan's quarterly declaration. It is Dr. Madan's responsibility to ensure that reports are timely submitted.

12. The Board retains the right to require, and Dr. Madan agrees to submit, blood, urine, breath, saliva and/or hair specimens for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Madan, or for any other purpose, at Dr. Madan's expense upon the Board's request and without prior notice. Dr. Madan's refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

Rehabilitation Program

13. Within thirty days of the effective date of this Consent Agreement, Dr. Madan 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. Madan shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Madan's quarterly declarations.

14. Immediately upon completion of any required treatment for chemical dependency, Dr. Madan shall enter into an aftercare contract with a Board-approved treatment provider and shall maintain continued compliance with the terms of said aftercare contract, provided that, where the terms of the aftercare contract conflict with the terms of this Consent Agreement, the terms of this Consent Agreement shall control.

CONDITIONS FOR REINSTATEMENT

15. The Board shall not consider reinstatement or restoration of Dr. Madan's certificate to practice medicine and surgery until all of the following conditions are met:

    a. Dr. Madan shall submit an application for reinstatement or restoration, as appropriate, accompanied by appropriate fees, if any.

    b. Dr. Madan shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the

provisions of his certificate. Such demonstration shall include but shall not be limited to the following:

i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Madan has successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical abuse/dependence, as set forth in Rules 4731-16-02 and 4731-16-08, Ohio Administrative Code, completed consecutively.

ii. Evidence of continuing full compliance with, or successful completion of, a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.

iii. Evidence of continuing full compliance with this Consent Agreement.

iv. Two written reports indicating that Dr. Madan's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Madan. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Madan shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Madan, and any conditions, restrictions, or limitations that should be imposed on Dr. Madan's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

v. Dr. Madan shall provide written documentation acceptable to the Board verifying that Dr. Madan otherwise holds a full and unrestricted license to practice medicine and surgery in all other states in which he is licensed at that

time, or has been n the past licensed, or that he would be entitled to such license but for the non-payment of renewal fees.

vi. In the event that the Board initiates future formal proceedings against Dr. Madan, including but not limited to issuance of a Notice of Opportunity for Hearing, Dr. Madan shall be ineligible for reinstatement until such proceedings are fully resolved by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

c. Dr. Madan shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board, including the requirement for approval of a practice plan, within 180 days of the date upon which all the above-specified conditions for reinstatement or restoration have been completed or, if the Board and Dr. Madan are unable to agree on the terms of a written Consent Agreement, then Dr. Madan 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. The Board shall provide notice to Dr. Madan that said hearing has been scheduled, advising Dr. Madan of his hearing rights, and stating the date, time, and location of the hearing at which the Board will present its evidence, after which the Board will make a determination of the matter by Board Order.

Further, upon reinstatement of Dr. Madan's certificate to practice medicine and surgery in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code. Moreover, upon termination of the consent agreement or Board Order, Dr. Madan shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Madan has maintained sobriety.

16. In the event that Dr. Madan has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Madan's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

17. Within thirty days of the effective date of this Consent Agreement, Dr. Madan shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Madan shall promptly 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. In the event that Dr. Madan provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Madan shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Madan shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

18. Within thirty days of the effective date of this Consent Agreement, Dr. Madan shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Madan further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Madan shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

19. Dr. Madan shall promptly provide a copy of this Consent Agreement to all persons and entities that provide Dr. Madan chemical dependency treatment or monitoring. Further, Dr. Madan shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original

computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

20. Dr. Madan shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

DURATION/MODIFICATION OF TERMS

The above-described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties. In the event that the Board initiates future formal proceedings against Dr. Madan, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

In the event that any term, limitation, or condition contained in this Consent Agreement is determined to be invalid by a court of competent jurisdiction, Dr. Madan and the Board agree that all other terms, limitations, and conditions contained in this Consent Agreement shall be unaffected.

FAILURE TO COMPLY

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

ACKNOWLEDGMENTS/LIABILITY RELEASE

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

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Madan acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

EFFECTIVE DATE

It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below. Further, the aforementioned October 2009 Order of the Board shall be terminated and superseded by the instant Step I Consent Agreement becoming effective.

RAVI DUTT MADAN, M.D.

9/28/10
DATE

TERRI-LYNNE B. SMILES
Attorney for Dr. Madan

9/30/10
DATE

LANCE A. TALMAGE, M.D.
Secretary

10-13-10
DATE

JACK C. AMATO, M.D.
Acting Supervising Member by authorization

Oct. 13, 2010
DATE

KYLE C. WILCOX
Assistant Attorney General

Oct. 1, 2010
DATE

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

April 14, 2010

Case number: 10-CRF- 041

Ravi Dutt Madan, M.D.
Hope Cancer Center
825 W. Market Street, Suite 260
Attn: Kim Bryant
Lima, OH 45805

Dear Doctor Madan:

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

(1) On or about October 8, 2008, you entered into the Step I Consent Agreement Between Ravi Dutt Madan, M.D., and the State Medical Board of Ohio [October 2008 Consent Agreement], in lieu of formal proceedings based upon your violation of Sections 4731.22(B)(10) and 4731.22(B)(26), Ohio Revised Code. Under the terms of the October 2008 Consent Agreement, your certificate to practice medicine and surgery was suspended for an indefinite period of time, but not less than one hundred and eighty days.

(2) On or about October 14, 2009, the Board issued an Order revoking your medical license, stayed said revocation, and subjected your medical license to suspension for at least one year commencing April 8, 2009. The Order further imposed interim monitoring conditions and established conditions for license reinstatement or restoration; and subsequent probationary terms, conditions, and limitations for at least five years. The Order was based on the Board's determination that you violated the conditions of limitation placed on your medical license by the October 2008 Consent Agreement by submitting urine specimens that tested positive for EtG and refusing to provide a urine specimen as requested by a Board investigator. The Board further determined that you made false, fraudulent, deceptive, or misleading statements in relation to the

Mailed 4-15-10

practice of medicine and failed to cooperate in a Board investigation. To date you remain subject to all terms and conditions of the Order.

(3) Paragraph B.5 of the Order requires that you provide random urine specimens for screening for drugs and alcohol. Further, paragraph B.4 requires that:

> [You] shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed, or administered to [you] by another so authorized by law who has full knowledge of [your] history of chemical dependency.
>
> Further, in the event that [you are] so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, [you] shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber, the name of the drug [you] received, the medical purpose for which [you] received the drug, the date the drug was initially received, and the dosage, amount, number of refills, and directions for use.
>
> Further, within 30 days of the date said drug is so prescribed, dispensed, or administered to [you], [you] shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

The urine sample you provided pursuant to paragraph B.5 of the Order on or about March 8, 2010, tested positive for, and was confirmed by GCMS for, the presence of lorazepam.

You failed to notify the Board in writing, or by any other method, within seven days of the prescriber information as required above. Further, you failed to provide the Board with either a copy of a prescription for lorazepam or the required written verification of the prescriber within seven days as required and have not provided said information to the Board as of April 9, 2010.

Your acts, conduct, and/or omissions as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) above, individually and/or collectively, constitute "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or

excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

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

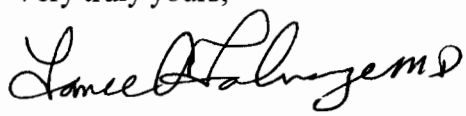
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at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

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

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/DPK/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3067 6657
RETURN RECEIPT REQUESTED

cc: Eric Plinke, Esq.
Dinsmore & Shohl, LLP
191 West Nationwide Blvd.
Suite 300
Columbus, OH 43215-8120

CERTIFIED MAIL #91 7108 2133 3936 3067 6640
RETURN RECEIPT REQUESTED

cc: Ravi Dutt Madan
4866 Brook Grove Ct
Elida, OH 45807

CERTIFIED MAIL #91 7108 2133 3936 3067 6633
RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

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

Ravi Dutt Madan, M.D.
4866 Brookgrove
Lima, OH 45807

RE: Case No. 09-CRF-041

Dear Doctor Madan:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Patricia A. Davidson, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 14, 2009, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

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

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage MD

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3934 3487 6598
RETURN RECEIPT REQUESTED

Cc: Thomas W. Hess and Eric J. Plinke, Esqs.
CERTIFIED MAIL NO. 91 7108 2133 3934 3487 6604
RETURN RECEIPT REQUESTED

Mailed 10.16.09

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 14, 2009, 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 Ravi Dutt Madan, M.D., Case No. 09-CRF-041, as it appears in the Journal of the State Medical Board of Ohio.

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

Lance A. Talmage, M.D.
Secretary

(SEAL)

October 14, 2009
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF	*	
	*	CASE NO. 09-CRF-041
RAVI DUTT MADAN, M.D.	*	

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on October 14, 2009.

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

It is hereby **ORDERED** that:

A. **REVOCATION, STAYED; SUSPENSION:** The certificate of Ravi Dutt Madan, M.D., to practice medicine and surgery in the State of Ohio shall be REVOKED. Such revocation is STAYED, and Dr. Madan's certificate shall be SUSPENDED for an indefinite period of time, but not less than one year, commencing April 8, 2009.

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

1. **Obey the Law**: Dr. Madan shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.

2. **Quarterly Appearances**: Dr. Madan shall appear in person for an interview before the full Board or its designated representative on a quarterly basis or as otherwise requested by the Board. The first such appearance shall take place on the date his appearance would have been scheduled pursuant to his

October 2008 Step I Consent Agreement with the Board (hereinafter "2008 Consent Agreement"), or as otherwise requested by 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.

3. **Quarterly Declarations**: Dr. Madan shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the date that his quarterly declaration would have been due pursuant to his 2008 Consent Agreement, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

4. **Sobriety**

   a. **Abstention from Drugs**: Dr. Madan 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. Madan's history of chemical dependency.

      Further, in the event that Dr. Madan is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Dr. Madan shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber, the name of the drug Dr. Madan received, the medical purpose for which he received the drug, the date the drug was initially received, and the dosage, amount, number of refills, and directions for use.

      Further, within 30 days of the date said drug is so prescribed, dispensed, or administered to him, Dr. Madan shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

   b. **Abstention from Alcohol**: Dr. Madan shall abstain completely from the use of alcohol.

5. **Drug & Alcohol Screens; Drug-Testing Facility and Collection Site**

a. Dr. Madan shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Dr. Madan 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, and shall include Dr. Madan's drug(s) of choice.

b. Dr. Madan shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. (The term "toxicology screen" is also used herein for "urine screen" and/or "drug screen.")

All specimens submitted by Dr. Madan shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Order.

Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Order.

c. Dr. Madan shall abstain from the use of any substance that may produce a positive result on a toxicology screen, including the consumption of poppy seeds or other food or liquid that may produce a positive result on a toxicology screen.

Dr. Madan shall be held to an understanding and knowledge that the consumption or use of various substances, including but not limited to mouthwashes, hand-cleaning gels, and cough syrups, may cause a positive toxicology screen and that unintentional ingestion of a substance is not distinguishable from intentional ingestion on a toxicology screen, and that, therefore, consumption or use of substances that may produce a positive result in a toxicology screen is prohibited under this Order.

d. All screenings for drugs and alcohol shall be conducted through a Board-approved drug-testing facility and a Board-approved collection site, pursuant to the global contract between the Board and the facility/site that provides for the Board to maintain ultimate control over the urine-screening

process and to preserve the confidentiality of all positive screening results in accordance with Ohio Revised Code Section 4731.22(F)(5), and the screening process shall require a daily call-in procedure. Further, in the event that the Board exercises its discretion as provided in Paragraph 6 below to approve urine screenings to be conducted at an alternative drug-testing facility and/or collection site or a supervising physician, such approval shall be expressly contingent upon the Board's retaining ultimate control over the urine-screening process in a manner that preserves the aforementioned confidentiality of all positive screening results.

e. Pursuant to the 2008 Consent Agreement, Dr. Madan was already required to enter into the necessary financial and/or contractual arrangements with the Board-approved drug-testing facility and/or collection site (hereinafter "DFCS") in order to facilitate the screening process in the manner required by the Board. He shall maintain the necessary arrangements with the Board-approved DFCS to facilitate the screening process in the manner required by this Order. Upon request, Dr. Madan shall provide to the Board within 10 days written documentation of these arrangements, including a copy of any contract entered into between Dr. Madan and the DFCS. Dr. Madan's failure to maintain such arrangements, or failure to timely provide written documentation to the Board of such arrangements, shall constitute a violation of this Order.

f. Dr. Madan shall ensure that the urine-screening process performed through the Board-approved DFCS requires a daily call-in or log-in procedure, that the urine specimens are obtained on a random basis, and that the giving of the specimen is witnessed by a reliable person.
In addition, Dr. Madan and the Board-approved DFCS shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

g. Dr. Madan shall ensure that the Board-approved DFCS provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.

h. In the event that the Board-approved DFCS becomes unable or unwilling to serve as required by this Order, Dr. Madan must immediately notify the Board in writing, and make arrangements acceptable to the Board as soon as practicable. Dr. Madan shall further ensure that the Board-approved DFCS also notifies the Board directly of its inability to continue to serve and the reasons therefor.

i. The Board expressly reserves the right to withdraw its approval of any DFCS in the event that the Secretary and Supervising Member of the Board determine that the DFCS has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

6. **Alternative Drug-testing Facility and/or Collection Site:** It is the intent of this Order that Dr. Madan shall submit urine specimens to the Board-approved DFCS chosen by the Board. However, in the event that using the Board-approved DFCS creates an extraordinary hardship on Dr. Madan, as determined in the sole discretion of the Board, then, subject to the following requirements, the Board may approve an alternative DFCS or a supervising physician to facilitate the urine-screening process for Dr. Madan.

a. Within 30 days of the date on which Dr. Madan is notified of the Board's determination that utilizing the Board-approved DFCS constitutes an extraordinary hardship on Dr. Madan, he shall submit to the Board in writing for its prior approval the identity of either an alternative DFCS or the name of a proposed supervising physician to whom Dr. Madan shall submit the required urine specimens.

In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Dr. Madan's residence or employment location, or to a physician who practices in the same locale as Dr. Madan. Dr. Madan shall ensure that the urine-screening process performed through the alternative DFCS or through the supervising physician requires a daily call-in or log-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Madan shall ensure that the alternative DFCS or the supervising physician maintains appropriate control over the specimen and immediately informs the Board of any positive screening results.

b. Dr. Madan shall ensure that the alternative DFCS or the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.

c. In the event that the designated alternative DFCS or the supervising physician becomes unable or unwilling to so serve, Dr. Madan must immediately notify the Board in writing. Dr. Madan shall further ensure that the previously designated alternative DFCS or the supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor. Further, in the event that the approved alternative DFCS or supervising physician becomes unable to serve, Dr. Madan shall, in order to ensure that there will be no interruption in his urine-screening process, immediately commence urine screening at the Board-approved DFCS chosen by the Board, until such time, if any, that the Board approves a different DFCS or supervising physician, if requested by Dr. Madan.

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

7. **Reports Regarding Drug & Alcohol Screens**: All screening reports required under this Order from the Board-approved DFCS, the alternative DFCS and/or supervising physician must be received in the Board's offices no later than the due date for Dr. Madan's quarterly declaration. It is Dr. Madan's responsibility to ensure that reports are timely submitted.

8. **Additional Screening without Prior Notice**: On the Board's request and without prior notice, Dr. Madan must provide a specimen of his blood, breath, saliva, urine, and/or hair for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Madan, or for any other purpose, at Dr. Madan's expense.

Dr. Madan's refusal to submit a specimen on request of the Board shall result in a minimum of one year of actual license suspension. Further, the

collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

9. **Rehabilitation Program**: Dr. Madan shall maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or C.A., no less than three times per week, or as otherwise ordered by the Board. Substitution of any other specific program must receive prior Board approval.

   Dr. Madan shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Madan's quarterly declarations.

10. **Releases**: Dr. Madan shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Madan's chemical dependency, impairment, or related conditions, or for purposes of complying with this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Madan further shall 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 Order.

11. **Absences from Ohio:** Dr. Madan shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the term of the suspension, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Order for occasional periods of absence of fourteen days or less. In the event that Dr. Madan resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and a contiguous state, Dr. Madan may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Madan is otherwise able

to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

12. **Required Reporting of Change of Address:** Dr. Madan shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.

13. **Comply with the Terms of Treatment and Aftercare Contract**: Dr. Madan shall maintain continued compliance with the terms of his aftercare contract and with the terms of any advocacy contract entered into with the Ohio Physicians Health Program, provided that, where terms of the aftercare or advocacy contract conflict with terms of this Order, the terms of this Order shall control.

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

1. **Application for Reinstatement or Restoration**: Dr. Madan shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.

2. **Compliance with Interim Conditions**: Dr. Madan shall have maintained compliance with all the terms, conditions and limitations set forth in Paragraph B of this Order.

3. **Evidence of Unrestricted Licensure in Other States**: At the time he submits his application for reinstatement or restoration, Dr. Madan shall provide written documentation acceptable to the Board verifying that Dr. Madan otherwise holds a full and unrestricted license to practice medicine and surgery in all other states in which he is licensed at the time of application or has been in the past licensed, or that he would be entitled to such license but for the nonpayment of renewal fees.

4. **Demonstration of Ability to Resume Practice**: Dr. Madan 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:

   a. Certification from a treatment provider approved under Section 4731.25, Ohio Revised Code, that Dr. Madan has successfully completed any required inpatient treatment, including at least 28 days of inpatient or residential treatment (completed consecutively) for chemical abuse/dependence at a treatment

provider approved by the Board. In accordance with Rule 4731-16-02(B)(4)(a), Ohio Administrative Code, the required inpatient treatment must extend a minimum of 28 days, with the following exception: If the practitioner has previously completed an inpatient or residential treatment program of at least 28 days and was able to maintain sobriety for at least one year following completion of that inpatient or residential treatment, the treatment required shall be determined by the treatment provider.

b. Evidence of continuing full compliance with an aftercare contract with a treatment provider approved under Section 4731.25, Ohio Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with Rule 4731-16-10, Ohio Administrative Code.

c. Evidence of continuing full compliance with this Order.

d. Two written reports indicating that Dr. Madan'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 have been made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Madan. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Madan shall provide the evaluators with copies of patient records from any evaluation and/or treatment that he has received, and a copy of this Order. The reports of the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Madan, and any conditions, restrictions, or limitations that should be imposed on Dr. Madan's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement or restoration. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request

an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

5. **Additional Evidence of Fitness To Resume Practice**: In the event that Dr. Madan has not been engaged in active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice.

D. **PROBATION**: Upon reinstatement or restoration, Dr. Madan's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

1. **Obey the Law**: Dr. Madan shall obey all federal, state, and local laws, and all rules governing the practice medicine and surgery in Ohio.

2. **Terms, Conditions, and Limitations Continued from Suspension Period**: Dr. Madan shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.

3. **Practice Plan**: Prior to Dr. Madan's commencement of practice in Ohio, or as otherwise determined by the Board, Dr. Madan shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Madan's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. Madan shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

   At the time Dr. Madan submits his practice plan, he shall also 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 or Supervising Member will give preference to a physician who practices in the same locale as Dr. Madan and who is engaged in the same or similar practice specialty.

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

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Madan must immediately so notify the Board in writing. In addition, Dr. Madan shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Madan shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

4. **Tolling of Probationary Period while Out of Compliance**: In the event Dr. Madan is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

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

F. **VIOLATION OF THE TERMS OF THIS ORDER**: If Dr. Madan violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

G. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER**

1. **Required Reporting to Employers and Others**: Within 30 days of the effective date of this Order, Dr. Madan shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but not limited to third-party payors), or is receiving training, and the chief of staff at each hospital or health-care center where he has privileges or appointments.

In the event that Dr. Madan provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider, Dr. Madan shall provide a copy of this Order to the Ohio Department of Public Safety,

Division of Emergency Medical Services. This requirement shall continue until Dr. Madan receives from the Board written notification of the successful completion of the probation.

2. **Required Reporting To Other Licensing Authorities**: Within 30 days of the effective date of this Order, Dr. Madan shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

   Dr. Madan further shall provide a copy of this Order at the time of application to the proper licensing authority of any State or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Madan receives from the Board written notification of the successful completion of the probation.

3. **Required Reporting to Treatment Providers/Monitors**: Within 30 days of the effective date of this Order, Dr. Madan shall promptly provide a copy of this Order to all persons and entities that provide chemical-dependency treatment to or monitoring of Dr. Madan.

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

H. SUPERSEDES PREVIOUS CONSENT AGREEMENT: As of its effective date, this Order shall supersede the terms and conditions set forth in the October 2008 Step I Consent Agreement between Dr. Madan and the Board.

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

Lance A. Talmage, M.D.
Secretary

(SEAL)

October 14 , 2009
Date

STATE MEDICAL BOARD
OF OHIO

2009 SEP -8 PM 4: 32

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of	*	
		Case No. 08-CRF-041
Ravi Dutt Madan, M.D.,	*	
		Hearing Examiner Davidson
Respondent.	*	

REPORT AND RECOMMENDATION

Basis for Hearing

In a notice of opportunity for hearing dated April 8, 2009 [Notice], the State Medical Board of Ohio notified Ravi Dutt Madan, M.D., that it intended to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate his certificate to practice medicine and surgery, or to reprimand him or place him on probation for one or more of the following reasons: that he had violated his consent agreement with the Board by refusing to provide a urine specimen when requested to do so, that he had made false statements to a Board representative, and that he had failed to cooperate with a Board investigation. (St. Ex. 1)

The Board alleged that Dr. Madan's acts, conduct and/or omissions constituted:

- a "violation of the conditions of limitation placed by the board upon a certificate to practice," as that language is used in Ohio Revised Code Section [R.C.] 4731.22(B)(15);
- "making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that language is used in R.C. 4731.22(B)(5); and
- a "failure to cooperate in an investigation conducted by the board under division (F) of this section," as that language is used in R.C. 4731.22(B)(34).

The Board received Dr. Madan's request for hearing on April 14, 2009. (St. Ex. 1)

Appearances

Richard Cordray, Attorney General, and Kyle C. Wilcox, Assistant Attorney General, for the State.
Thomas W. Hess and Eric J. Plinke, Esqs., for the Respondent.

Hearing Date: May 21, 2009.

SUMMARY OF THE EVIDENCE

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

Step I Consent Agreement - October 2008

1. In September 2008, Ravi Dutt Madan, M.D., a physician holding a certificate to practice medicine and surgery in Ohio, signed a Step I Consent Agreement, which became effective on October 8, 2008. (St. Ex. 4 at 1, 11-12) This consent agreement includes stipulations, terms, and conditions, including the following:

    - Dr. Madan admitted that he had ingested OxyContin, Percocet, Lorcet, Ultram, Xanax and diazepam that he had prescribed for family members and another individual associated with his household, beginning in or about November 2006. (St. Ex. 4 at 2)

    - Dr. Madan further admitted that he had ordered and received Ativan intravenously, self-administered or administered by nurses in his employ, on at least 18 occasions beginning in about April 2008 and continuing through about June 2008. (St. Ex. 4 at 2)

    - Dr. Madan agreed that he had undergone a Board-ordered evaluation at Shepherd Hill in September 2008, which resulted in a finding that he was impaired due to chemical dependency. Dr. Madan also acknowledged that he had entered inpatient treatment for chemical dependency in September 2008 at the Toledo Hospital.[1] (St. Ex. 4 at 2)

2. Further, Dr. Madan agreed that he had entered the consent agreement in lieu of formal proceedings based on violations of:

    - R.C. 4731.22(B)(26) ("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");

    - R.C. 4731.22(B)(10) ("commission of an act that constitutes a felony in this state"), with relation to R.C. 2925.11 (Aggravated Possession of Drugs); and

    - R.C. 4731.22(B)(20) (violation of a Board rule), with relation to Ohio Administrative Code Section 4731-11-08(A)(Utilizing Controlled Substances for Self and Family Members). (St. Ex. 4 at 1)

[1] At the hearing, Dr. Madan testified that he was hospitalized for 30 days and completed the treatment. (Tr. at 174)

3. Dr. Madan agreed that his certificate to practice in Ohio was suspended for an indefinite period of time not less than 180 days. (St. Ex. 4 at 2) In addition, Dr. Madan agreed to the following terms and conditions in his consent agreement:

Sobriety

3. Dr. Madan shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Madan's history of chemical dependency. Further, in the event that Dr. Madan is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Dr. Madan shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Dr. Madan received; the medical purpose for which he received said drug; the date such drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date said drug is so prescribed, dispensed, or administered to him, Dr. Madan shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

4. Dr. Madan shall abstain completely from the use of alcohol.

Absences from Ohio

5. Dr. Madan shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined * * *. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Madan resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Madan may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Madan is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.

Releases; Quarterly Declarations and Appearances

6. Dr. Madan shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records * * *.

7. Dr. Madan 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. * * *

8. Dr. Madan shall appear in person for an interview before the full Board or its designated representative * * *. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. * * *

Drug & Alcohol Screens; Drug Testing Facility and Collection Site

9. Dr. Madan shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. * * *

   Dr. Madan shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen. Dr. Madan acknowledges that he understands that the consumption or use of such substances, including but not limited to substances such as mouthwash or hand cleaning gel, may cause a positive drug screen that may not be able to be differentiated from intentional ingestion, and therefore such consumption or use is prohibited under this Consent Agreement.

* * *

12. ***The Board retains the right to require, and Dr. Madan agrees to submit, blood, urine, breath, saliva and/or hair specimens for screening*** for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Madan, or for any other purpose, at Dr. Madan's expense ***upon the Board's request and without prior notice***. ***Dr. Madan's refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension.*** Further, the collection of such specimens shall be witnessed by a representative of the

> Board, or another person acceptable to the Secretary or Supervising Member of the Board.

(St. Ex. 4) (emphasis added)

4. The agreement also includes terms and conditions for reinstatement or restoration of Dr. Madan's certificate, including procedures for Dr. Madan to demonstrate his ability to resume practice, procedures for determining probationary terms, and requirements for continued monitoring upon reinstatement. (St. Ex. 4)

Background: Dr. Madan's Education, Training, and Work History

5. Dr. Madan testified that, after completing his undergraduate education in India, he relocated to Canada, after which he "worked at the Detroit Medical Center in Michigan for years and other hospitals, Ford Hospital." (Tr. at 16)

6. Dr. Madan testified that he went to medical school at the University of Michigan and then went to London, Ontario, Canada, where he did two years "of training in the cancer specialization, blood specialization, and bone marrow transplant." Dr. Madan stated that some people would call it a residency but in America it would be called a fellowship. (Tr. at 16-17)

7. With regard to medical school, Dr. Madan testified as follows:

> Q. * * * What year would you have started your medical school? Was it at the University of Michigan?
>
> A. In America?
>
> Q. Uh-huh.
>
> A. In 1990.
>
> Q. 1990? Thank you. And after you finished the four years of medical school–
>
> A. Yeah. Actually, it was '89 to 1990. And then in 1993, I went to Canada and got my fellowship training or training in the blood and cancer and bone marrow transplant.

(Tr. at 17)

8. Dr. Madan was then asked by the Hearing Examiner to clarify his testimony:

> Q. * * * Dr. Madan, you indicated, I believe, that you started at the University of Michigan College of Medicine in 1990; is that right?
>
> A. Yes.

Q. Did you graduate and get a medical degree from the University of Michigan?

A. Yes.

Q. What year was that?

A. That was 1993.

(Tr. at 19)

9. Toward the end of the hearing, Dr. Madan presented his CV as an exhibit (Resp. Ex. I), and the Hearing Examiner noted that it did not list a degree awarded by the University of Michigan:

Q. * * * Doctor, I'm having trouble understanding some of what you're telling me. I thought I asked you before whether you had graduated from and had a medical degree from the University of Michigan. I thought you said yes.

A. Yes.

Q. But I'm not seeing that on this CV. I'm seeing three years of residency affiliated with the university.

A. Yeah. That's the three years training at university – part of University of Michigan.

(Tr. at 171)[2]

10. Dr. Madan testified that, in 1995, he went to Fargo, North Dakota, and worked in a clinic as a cancer specialist until moving in 1999 to Lima, Ohio. Dr. Madan stated that he had worked for three to four years at the Gerad Cancer Center in Lima and then opened his own clinic in 2003, the Hope Cancer Clinic. (Tr. at 20-21)

11. In contrast to his testimony, Dr. Madan presented a CV stating that he had worked at the Gerad Center from April 1999 to the present. There is no mention of the Hope Cancer Clinic. Likewise, the CV includes no mention of the Detroit Medical Center or the Henry Ford Hospital, but states that Dr. Madan completed a residency at Oakwood Hospital in Dearborn, Michigan. (Resp. Ex. I)

12. Dr. Madan testified that he also holds licenses to practice in North Dakota, Minnesota, and Michigan. (Tr. at 21-22) Dr. Madan testified that he had board certification in internal medicine and medical oncology but that it expired and he is "supposed to take this year." (Tr. at 18)

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[2]The Hearing Examiner recognizes that Dr. Madan's medical education and training are background matters that do not bear directly on the central issues. However, these passages provide an early example of the difficulty at the hearing in getting clear and accurate answers from Dr. Madan in response to relatively simple questions.

13. In September 2008, Dr. Madan ceased practicing medicine due to the impairment described in the consent agreement. In October 2008, he entered into the consent agreement, quoted above, under which his certificate remains suspended at this time. (Tr. at 21-23; St. Ex. 4)

Compliance & Monitoring Under the Consent Agreement: November 2008 – March 2009

14. Under the consent agreement, Dr. Madan was required to participate in a program of random urine screens, which involved a requirement for him to call in or log on every day to a system operated by First Lab, which informed him whether he was obliged to report to a collection site to provide a urine sample. Participants are required to provide the sample within six hours of calling or logging in. (Tr. at 33, 94, 116-117) In addition to participating in the random-sampling program, Dr. Madan also was obliged to provide a urine sample on request without advance notice, per paragraph 12 of the consent agreement. (St. Ex. 4 at 7, par. 12; Tr. at 94, 96-98)

15. Laboratory testing and written reports were provided by Quest Diagnostics ("the lab"), which tested the urine specimens for the presence of a variety of substances of abuse as well as the metabolites of substances of abuse. For example, the specimens were routinely tested for the presence of ethyl alcohol as well as a metabolite of alcohol called ethyl glucuronide, or EtG. Each lab report sets forth the levels found in the particular specimen and also notes the "acceptable level" or the cut-off level used for designating a test result as "positive." (St. Ex. 3; Tr. at 106, 117-119; Resp. Ex. H)

16. The cut-off level for EtG was 500 nanograms per milliliter. If the level was initially tested as being above 500 ng/mL, then the urine was tested using the GC/MS test, or Gas Chromatography/Mass Spectrometry, a confirmatory test. (Tr. at 107; St. Ex. 3)

17. The creatinine level and specific gravity are significant because they indicate whether the urine is diluted. Dilution may be significant because it may indicate that a sample has been adulterated. Also, a test subject may drink large quantities of fluids prior to giving a urine sample in an attempt to flush the system and have a test level within the acceptable range. A creatinine level below 20 mg/dL is out of the normal range. (St. Ex. 3; Resp. Ex. D; Tr. at 103-105, 124)

18. Dr. Madan stated that he had had conversations with Danielle Bickers, the Compliance Supervisor for the Board, regarding the medications he was permitted to take. He stated that the conversations had taken place "since December" because there was one medication that, according to Dr. Madan, had been prescribed to him in Canada and was not available in America. Dr. Madan testified that Ms. Bickers had stated that he should not take it because it was unknown whether it would cause a positive test result because it is not available in America. In addition, Dr. Madan testified that he had asked Ms. Bickers which over-the-counter medications he could take, and she had told him that every drug he took had to be approved. (Tr. at 30)

19. In November and December 2008, a number of Dr. Madan's urine specimens tested positive for diphenhydramine and/or were outside the acceptable levels for creatinine and specific gravity. In addition, the Board noted Dr. Madan's pattern of calling in very early in the morning to see whether he would have to provide a urine sample, and then providing the sample during the later part of the time allowed. Ms. Bickers testified that, based on the lab reports, the Board decided to monitor Dr. Madan more closely. Specifically, the Board sent one of its investigators to visit Dr. Madan and obtain a urine sample from him without prior notice, as authorized in the consent agreement. (Tr. at 95, 97-98, 105-106, 108; St. Ex. 3)

20. On February 5, 2009, a Board investigator, Chad Yoakam, visited Dr. Madan in the morning at his home. Mr. Yoakam explained that he was there to obtain a urine sample and ask some questions. Dr. Madan did not wish to proceed until he had talked with his attorney. (Tr. at 51-52, 70-71) Mr. Yoakam stated that Dr. Madan spoke by telephone with his attorney, Eric Plinke, and that Dr. Madan then handed the telephone to Mr. Yoakam:

    > He [Dr. Madan] handed the phone to me. I spoke with Mr. Plinke, and * * * he told me that he advised Dr. Madan that – he told him that he needed to provide a sample.

    (Tr. at 71)

21. Dr. Madan thereafter provided the sample as requested, and Mr. Yoakam found him to be cooperative. (Tr. at 71-72)

22. Dr. Madan denied that there was any issue of his not giving a urine sample on February 5, 2009. When asked whether his attorney had advised him that he must provide a urine sample that day as requested, Dr. Madan responded: "I don't recall." (Tr. at 53)

23. The lab report for the urine collected on February 5, 2009, shows a high level of EtG. In addition, the urine was not diluted as with other specimens, as shown by the creatinine level, which was well above 20 mg/dL. (St. Ex. 3 at 33-34; Tr. at 123-124)

24. On February 24, 2009, a day when Dr. Madan had already provided a urine sample under the call-in procedure, Mr. Yoakam arrived at Dr. Madan's home at about 6:00 p.m. to ask him to provide a urine sample, but Mrs. Madan said that he was not at home. Dr. Madan later provided a document showing that he had been attending a meeting of Alcoholics Anonymous from 6:30 p.m. to 8:00 p.m. on that day. (Tr. at 54, 70; St. Ex. 3 at 42; Resp. Ex. A)

25. Lab reports for the period from November 7, 2008 through March 4, 2009 include the following information for Dr. Madan's urine samples:

Urine Test Results – Dr. Madan

Date Collected	Creatinine mg/dL	Specific Gravity	EtG ng/mL	Notations on the Laboratory Report
	Acceptable Range is > or = 20 mg/dL	*Acceptable Range is 1.003 to 1.020*	*500 ng/mL is "cut off" level for EtG*	
11/07/08	9.9	1.005	-- [3]	"Positive/Abnormal Report" Positive for diphenhydramine at 1506 ng/mL[4]
11/12/08	6.9	1.003	--	
11/18/08	7.3	1.009	--	
12/03/08	8.4	1.005	--	"Positive/Abnormal Report" Positive for diphenhydramine at 1792 ng/mL
12/15/08	10.7	1.002	--	"Dilute Specimen"
12/30/08	7.8	1.003	--	
01/12/09	6.8	1.003	580	"Positive/Abnormal Report" Positive for EtG
01/15/09	22.7	--	--	"Positive/Abnormal Report" Positive for diphenhydramine at 3162 ng/mL
01/26/09	12.9	1.005	--	
02/03/09	13.9	1.004	--	
02/05/09 (on request, no prior notice)	168.6	--	50,100	"Positive/Abnormal Report" Positive for EtG
02/11/09	13.5	1.003	--	"Positive/Abnormal Report" Positive for diphenhydramine at 3090 ng/ML
02/20/09	10.3	1.003	2,050	
02/24/09	30.7	--	17,100	"Positive/Abnormal Report" Positive for EtG
03/04/09	11.8	1.004	--	

(St. Ex. 3 at 1 – 46; Resp. Ex. C)

26. Following the unsuccessful attempt on February 24, 2009, to obtain a specimen without prior notice, the Board directed an investigator to obtain an unannounced specimen on March 4, 2009. The Board wanted to collect the urine at a different time of the day, on a day when Dr. Madan

[3] A dash (--) indicates that the level was found to be "negative" or was not shown.

[4] The cut-off level for diphenhydramine was 100 ng/mL.

had already provided a sample in the afternoon under the call-in procedure with First Lab. The reasoning was that, if an individual is consuming alcohol, he or she might assume it was safe to drink, at least for one day, after completing one of the random monthly screens. On March 4, 2009, after Dr. Madan had already provided a sample pursuant to the call-in procedure, he received a telephone call from a Board investigator, Chad Yoakam, who informed Dr. Madan that the Board wanted him to provide a urine sample that evening. Mr. Yoakam spoke with Dr. Madan at about 8:00 p.m. and stated that he was on the way to meet with Dr. Madan to obtain the sample. (Tr. at 37-45, 109; St. Ex. 5)

27. During this telephone call, the following exchange took place:

Mr. Yoakam:	Hello, Dr. Madan?
Dr. Madan:	Yeah.
Mr. Yoakam:	This is Chad Yoakam, investigator with the Medical Board.
Dr. Madan:	Yeah. Hi. How are you?
Mr. Yoakam:	Good. How are you doing today?
Dr. Madan:	Oh, not too bad.
Mr. Yoakam:	They want me to get a sample from you this evening, Doctor.
Dr. Madan:	I already had given one sample. Do you mean right now?
Mr. Yoakam:	They want me to come out and get another one from you this evening.
Dr. Madan:	Okay. What time do you want to come? Why can't you call me in time?
Mr. Yoakam:	I'm sorry?[5]
Dr. Madan:	Why don't you call me in time?
Mr. Yoakam:	I didn't understand you. What did you say, doctor?
Dr. Madan:	Why don't you give me a call before you come? I mean, what time you are coming? I give one sample at 4:00 o'clock.
Mr. Yoakam:	I am giving you a call, doctor. I'm about an hour away.
Dr. Madan:	Yeah. I'll see if I can be there, but right now I'm in a meeting.[6]
Mr. Yoakam:	Well, when are you going to be home?
Dr. Madan:	9:30.

[5]It is clear from the recording that, when Mr. Yoakam says "I'm sorry," he is not expressing regret but is using an expression indicating that he has not heard or understood what was said.

[6]At the hearing, Dr. Madan testified that, when he received Mr. Yoakam's call, he and his wife were "on our way to Detroit" to attend a condolence gathering, and that he had not been sure what to do, whether he should "go and attend the condolence meeting." In contrast, Dr. Madan subsequently testified that he was actually *in* Detroit at the house of the bereaved when he took the call and that he had felt that he could not leave that house in a hurry. Dr. Madan said that he had been two hours away from Lima and that it was not a "good situation to talk to anyone anyway." (Tr. at 33-35, 57; St. Ex. 2)

Mr. Yoakam: About 9:30?

Dr. Madan: 9:30, 10:00 o'clock.

Mr. Yoakam: Okay. I'll be there about 9:30. Okay?

Dr. Madan: *But that time is not convenient to me. I refuse to do that.*

Mr. Yoakam: That's not convenient for you?

Dr. Madan: No.

Mr. Yoakam: Are you -- well, when are you -- when is it going to be convenient for you, Doctor?

Dr. Madan: Some time tomorrow morning.

Mr. Yoakam: No, that's not going to work for us. *We need to get a sample from you this evening.* So are -- are you refusing to provide a sample to me tonight?

Dr. Madan: In whose control -- who is the -- who am I supposed to control by? I mean, nobody calls me anything about anything.

Mr. Yoakam: Dr. Madan, I am -- I'm calling you right now. *I'm giving you an hour's notice and I'm an hour away,* and I'm asking—

Dr. Madan: *I refuse to do it.*

Mr. Yoakam: I'm sorry?

Dr. Madan: *I refuse to do it, because I need to know what the criteria is. I'm not a criminal.* I mean, I'm doing everything, what I'm supposed to do, but you people call me at night, 8:00 o'clock, when I have already given a sample. I'm willing to give you a first thing sample, first thing in the morning. *But there should be some privacy at my home.*

Mr. Yoakam: *Well, Doctor, under your consent agreement, you're required to provide a sample*. So, I mean, are you --

Dr. Madan: It said -- I mean, I'm not refusing, *but it's getting me irritated that every time you people call me like I'm a criminal.*[7]

Mr. Yoakam: No, doctor, that's not it. I -- they just asked me to get a sample from you this evening. Are you refusing to provide one to me this evening?

Dr. Madan: What are my options?

Mr. Yoakam: *Well, I think you have to provide one to me, or you're going to -- or you refuse.*

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[7]The Hearing Examiner notes that, during the telephone call, Mr. Yoakam's tone was polite and respectful in making the request to Dr. Madan. (State's Exhibit 5, an audio recording of the conversation.)

Dr. Madan: What are the consequences of the thing? But I have to talk to my attorney. What is this, somebody calling me at 8:00 o'clock! I'm religiously doing everything I've been told to do.

Mr. Yoakam: I understand that, Doctor. I don't have any control of that. They just told me to contact you this evening and tell you that I would be on my way and, you know, that I need to get a sample from you.

Dr. Madan: What if I refuse? Who can I address my issue with?

Mr. Yoakam: Well, I imagine you can--you can address your issue with Danielle tomorrow at the Board.

Dr. Madan: Let me talk to her tomorrow before I give any more samples, *because I'm getting tired of this thing.*

Mr. Yoakam: So you're not going to provide one to me this evening, doctor?

Dr. Madan: I refuse, because I want to know exactly what the procedure is here. I'm liable for 24 hours? Like, in the middle of the night, somebody can call me?

Mr. Yoakam: You'll have to work that out with them, doctor. So -- okay.

Dr. Madan: No one's never given me any result except when they told me there was Benadryl. And Benadryl -- nobody had given me any list of the medication which I'm supposed to take not -- and I -- I'm even afraid to eat my regular food. You know that? I mean, I don't even eat my regular food, afraid of that something will be coming out. Nobody can -- I can get ahold of nobody who can give me any idea what I'm supposed to do and what I'm not supposed to do.

Mr. Yoakam: Well, I think you need to work that out with Ms. Bickers.

Dr. Madan: Yeah. Let me talk to her tomorrow, then I will -- then I will see what are my rights, what are my duties, what are -- what I'm supposed to do, what I'm not supposed to do, so that I can go from there. How am I going to this thing like I'm hunted, like, all the time? I religiously go at 6:00 o'clock and check my recording, and know that -- I did not miss a single sample so far. Do you know that?

Mr. Yoakam: Okay, doctor. Have a nice evening.

Dr. Madan: I mean, it's really -- I'm not against anyone. But, I mean, I ask you that, who should I ask? Nobody has given me any result of -- I'm even worried to take -- my allergies is bothering me. I'm even worried to take Benadryl now. I don't even take Benadryl.[8]

Mr. Yoakam: But, doctor, did you review through your consent agreement thoroughly?

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[8]Benadryl is diphenhydramine, which has a sedative effect. (Tr. at 98) According to the Consent Agreement, Dr. Madan's drug-related violations had included self-administration of Ativan. (St. Ex. 4)

Dr. Madan: I read through that and it doesn't say anything about Benadryl.

Mr. Yoakam: Does it say anything about medications at all?

Dr. Madan: *No.* It just says *try to avoid* food with any -- any wine, anything, anything that have alcohol base. I even have stopped taking cough syrup. I have stopped taking any vinegar. I mean, I am watching every food I can because I don't want to mess up anything. But I need to talk to Danielle before I -- I have no problem, but I want to talk to her, that what -- what are my rights are? What I am supposed to do or what I'm not supposed to do? Somebody needs to sit down with me and explain me a list of the medications. I talked to Danielle in December, on December 15th, that I take over-the-counter medication. Is there any problem? She said no --

Mr. Yoakam: Okay.

Dr. Madan: -- as long as it is not a prescribed medication that you're not taking without prescription. And I'm not taking anything. I'm even afraid to take the Benadryl.

Mr. Yoakam: Okay. Doctor, what I -- what I would suggest you do is review your consent agreement thoroughly, again, the one that you signed.

Dr. Madan: Uh-huh.

Mr. Yoakam: And so you're -- you're not going to obtain -- you're not going to provide a sample to me this evening?

Dr. Madan: No. I have to talk with Danielle before I do that, because right now I'm in a meeting. Let me finish that, then I'll call her first thing in the morning or she can call me.

Mr. Yoakam: Okay. Have a good evening.

Dr. Madan: You too. Okay.

Mr. Yoakam: Bye.

(State's Ex. 5; Tr. at 37–45, emphasis added)

28. When Dr. Madan was asked whether he had provided a urine sample pursuant to Mr. Yoakam's request, he testified as follows:

Q. * * * My question was, do you just recall Investigator Yoakam calling you on March 4th?

A Yes, sir.

Q. And he asked you to provide a urine sample, correct?

A. And I told him that --

Q. Is that correct, Doctor?

A. Yes.

Q. Okay.

A. But he did not say right away.

Q. Would you agree with me that you did not provide Investigator Yoakam with a urine sample the evening of March 4th?

A. He never showed up at my house, and I was not at my house until 20 after 11:00.

Q. My question was, Doctor, would you agree that you never provided a sample that evening of your urine?

A. He had spoken to me on the phone, but I did not see him -- I did not communicate with him physically one to one. It was over the phone and he said that he could be in Lima in one and a half hours.

Q. Okay. So you never provided him with a sample that evening, did you, Doctor? On March the 4th?

A. No.

(Tr. at 32-33)

Dr. Madan's Conversation with the Board's Compliance Supervisor – March 5, 2009

29. Danielle Bickers testified that she serves as the Compliance Supervisor for the Board. She supervises the unit that monitors licensees who are currently under a Board order or consent agreement, a group that currently numbers about 300 licensees. In this role, she has monitored Dr. Madan's compliance with his consent agreement. (Tr. at 92-93)

30. Among other things, Ms. Bickers testified about her conversation with Dr. Madan on March 5, 2009. Ms. Bickers stated that Dr. Madan had left a brief message on the unit's answering machine at nearly midnight on March 4, 2009, stating that Mr. Yoakam had attempted to obtain a urine specimen from him that day and that Dr. Madan would be available to discuss it with her after 10:00 a.m. on the following day (March 5). (Tr. at 110)

31. On March 5, 2009, Ms. Bickers spoke with Dr. Madan by telephone. She testified regarding Dr. Madan's statements to her regarding his contact with the investigator the previous evening:

> Dr. Madan told me that Investigator Yoakam had contacted him around 8:00 p.m. on March 4th to arrange to meet so that he could collect a urine screen around 9:30 that evening. Dr. Madan said he told Investigator Yoakam that he would not be home in time to meet him and went on to explain to me that he was at a condolence meeting for a family member in Detroit, Michigan.

(Tr. at 111)

32. During this conversation, Dr. Madan also asserted that he "wasn't clear" as to the purpose of providing a urine sample that evening, as he had already provided a sample that day. (Tr. at 111; St. Ex. 2)

33. Ms. Bickers further testified that Dr. Madan told her "twice during that conversation that Investigator Yoakam did not tell him that he was required by the agreement to provide a specimen." Dr. Madan further alleged that he had not known that, if he refused to provide a urine specimen on request, there would be an additional period of license suspension. Dr. Madan also claimed that he had not known about the provision in the consent agreement that prohibits him from taking any drugs unless prescribed, dispensed, or administered to him by a person authorized by law who has full knowledge of his history of chemical dependency. (Tr. at 111; St. Ex. 2 at 2)

34. Ms. Bickers testified that she informed Dr. Madan that, with respect to the medications he was taking, he must provide a statement from the prescribing physicians about the medications he was taking and why, and that the physicians knew about Dr. Madan's history of chemical dependency. (Tr. at 111-112)

35. Ms. Bickers further stated that Dr. Madan informed her that, up until a few days before, his wife had been cooking their food with and marinating their meat in wine vinegar, and that he had asked her to stop doing that a few days prior to March 5, 2009, because he did not want his urine screens to test positive for alcohol. (Tr. at 112)

36. Ms. Bickers testified that she had memorialized this conversation on March 5, 2009, in a memorandum, and that the memorandum provided an accurate description of their conversation. (Tr. at 113; St. Ex. 2)

37. In the memorandum, Ms. Bickers reported that Dr. Madan recited the medications he was taking and stated that he "sometimes will take Tylenol PM and Advil PM to treat his dry skin condition" because those two drugs contain Benadryl. However, she testified that they had previously discussed his use of Benadryl, prior to March 5. In addition, Ms. Bickers noted that, although Dr. Madan had previously received permission to travel to Canada and had obtained a waiver of urine screens in December 2008, and was thus "aware of that requirement" to get prior approval before leaving the state, he had professed during the March 5 conversation to be unclear about the Board's expectations regarding travel outside Ohio. (St. Ex. 2; Tr. at 114-115, 132) Accordingly, she discussed with Dr. Madan the provision in the consent agreement about requesting prior permission to leave the State. (St. Ex. 112) Ms. Bickers testified that, when there is a death in the family, the Board does "everything that we can to assist the individual so they can leave right away." (Tr. at 132)

38. Dr. Madan stated that, when he spoke with Ms. Bickers on March 5, 2009, he brought the point to her attention "emphatically" that his wife had been using wine vinegar in preparing meals. (Tr. at 29-30)

39. On March 23, 2009, G. Allen Bryant III, M.D., a nephrologist with Kidney and Hypertension Associates in Lima, Ohio, provided a letter to Ms. Bickers regarding the medications that Dr. Madan was taking.[9] Dr. Bryant noted that Dr. Madan has Type 2 diabetes mellitus and was taking Janumet, Actos, Diovan, Nexium, Toprol, and iron. Dr. Bryant also stated: "I do believe that Dr. Madan suffers from some allergic rhinitis-type symptoms and some aggravated itching from time to time. For this, he does take an occasional Tylenol PM or Advil PM to control some of these symptoms. I am well aware of the fact that these medications do contain some Benadryl and there can be a possible dependence on this medication. I do find that Dr. Madan has an indication, however, for this medication and it is my suggestion that we allow him to take this." (Resp. Ex. E)

Additional Testimony and Documents Presented by Dr. Madan

40. Dr. Madan testified that he had tried to be "very, very careful" about not ingesting items that might contain alcohol. (Tr. at 29)

41. However, when Dr. Madan talked with Ms. Bickers on March 5, 2009, he told her that "Indian foods are often cooked using wine vinegar and that his wife would marinate the beef used in their meals." At hearing, he testified that his wife had used wine vinegar to prepare salad dressing. (Tr. at 29; St. Ex. 2)

42. Dr. Madan testified as follows regarding his responsibility to refrain from ingesting foods that could result in a positive test result for alcohol,[10] and he stated that he had been personally involved and active in removing all "doubtful" food products from the home:

> Q. And you understand that your Step One agreement has a provision that says substances such as wine and wine vinegar should not be used by you?
>
> A. It has never said "wine vinegar" or anything. It never mentioned anything about vinegar. It mentions about poppy seeds. So I threw out all the poppy seeds, anything we do with the cooking, so we don't get any poppy seeds. I even stopped using mustard seed which we use

[9] In the course of his letter, Dr. Bryant also gave opinions regarding impairment and the success of Dr. Madan's recovery from chemical dependency, which the Hearing Examiner found inadmissible for several reasons, including that there was no foundation that Dr. Bryant was an expert in addictionology, and that Dr. Bryant was not present in the hearing room subject to cross-examination. Admitting the letter subject to redaction of opinions regarding impairment and recovery from chemical dependency, the Hearing Examiner ordered a specific redaction during the hearing and, upon further review of the letter post-hearing, redacted additional inadmissible language. (Resp. Ex. E; Tr. at 215-219)

[10] The questions of whether the high level of EtG in Dr. Madan's urine was caused by a knowing consumption of alcohol or whether Dr. Madan may have consumed alcohol inadvertently and unintentionally are *not* at issue in this matter. The Board has not alleged that Dr. Madan relapsed on alcohol. The relevance of the EtG results in this action is limited. For example, the lab results, including the EtG results, establish that the Board was within its discretion to monitor Dr. Madan closely and to invoke its contractual right to obtain urine samples from Dr. Madan on request without prior notice.

in kind of a fermentation. *So I have taken out a lot of food products which may be doubtful. I don't want to take the chance.*

Q. Although it doesn't mention specifically wine vinegar, you would agree that it says substances that may cause a positive screen?

A. It says, but, you know, sometimes you don't even pay attention. I started paying attention more and more when they told me I'm testing positive for Benadryl but I was taking Tylenol PM which contains Benadryl. I start looking at the labels on everything carefully now. [11]

Q. Doctor, you would agree with me that you're responsible for knowing every provision within your Step One agreement?

A. We try our best. Yes, we were supposed to.

Q. And would you agree that you are the lone responsible person for making sure that you are in compliance with the agreement?

A. Yes, sir. That's my responsibility.

(Tr. at 60-61) (emphasis added)

43. Dr. Madan asserted at the hearing that he had been "confused" regarding his contractual obligation to provide urine samples. He testified that he had thought he was supposed to give four samples per month under the call-in arrangements with First Lab. He claimed that he was unsure whether he could be required to give more than one sample of urine in a day. He stated: "I mean, it never mentioned clearly that how many times you can ask to give the samples in a day." (Tr. at 28, 49)

44. Dr. Madan admitted that he did not give a urine sample as requested, but he asserted that it "was not a refusal" but "a frustration over the phone." Dr. Madan stated that, when he received the telephone call from Mr. Yoakam on March 4, 2009, it had "upset" him to be asked to provide a second urine sample in one day. (Tr. at 34-35)

He stated that he "was actually upset, in a way," because his wife was upset at the death of her relative in middle age. Dr. Madan stated that the person who died was his "wife's mother's brother's daughter," and that his wife had wanted to go to visit her extended family in Toronto but could not. Dr. Madan admitted that he had said nothing to Mr. Yoakam about a death in the family when explaining his reasons for not providing a urine sample. (Tr. at 31, 33-36)

[11] With regard to a bottle of "Wine Vinegar," the Hearing Examiner questions whether it would take careful scrutiny of the label to know that the product was made from wine and could contain alcohol.

45. Further, Dr. Madan indicated that he did not like the way that Mr. Yoakam had spoken to him and also was anxious about having traveled to Detroit without contacting the Board:

> * * * I talked – he's kind of accusing me like a – not a – I was upset * * *. It was like my mind was running in a hundred different directions. And I had not taken permission to go to Detroit * * *.

(Tr. at 36)

46. Dr. Madan testified that, on the day after his conversation with Mr. Yoakam, he had told Ms. Bickers about his trip to Detroit, and she had told him that he was supposed to inform the Board in advance. He testified that he had explained to Ms. Bickers that he had been unable to contact the Board because it was a sudden event, in that "the family was moving to Toronto, and from there they were going to India. But I couldn't go anywhere."[12] (Tr. at 49)

47. Dr. Madan testified that, while talking with the investigator, he had felt frustrated by the urine-testing requirements and travel restrictions in the consent agreement:

> * * * It was irritating to me that I had already submitted a sample around three o'clock, four o'clock; and then I could not go anywhere. It is like you are bounded and you could not leave Ohio to go anywhere.

(Tr. at 47-48)

48. With respect to the level of dilution of his urine, Dr. Madan testified that he is a diabetic and also has high blood pressure, and that he drinks "a lot of water" and other fluids because a person with these two conditions must drink "around 65 ounces of fluid" every day. He stated that, with these two conditions, "your kidneys can be hit very hard." (Tr. at 177-178; see, also, Resp. Ex. E) In addition, with respect to the timing of his visits to the collection site to provide a urine sample, Dr. Madan stated that he liked to work until about 3:00 p.m. and then go to the collection site, and that he sometimes had mid-day commitments that made it more convenient for him to provide his samples near the end of the collection period. He also stated that, the later one goes to the collection site, the faster the process is completed. (Tr. at 180-181)

49. Additional documents were admitted at Dr. Madan's request, including the following: information from the internet regarding the specific gravity of urine (Resp. Ex. D); letters from patients praising Dr. Madan's personal and professional qualities and expressing their thanks to him (Resp. Ex. J); a publication from the U.S. Dept. of Health & Human Services, "The Role of

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[12] The consent agreement does not prohibit travel outside Ohio but requires permission and arrangements for urine screens for certain travel, or an approved period of no toxicology screens. Danielle Bickers testified that Dr. Madan was familiar with this requirement because he had previously received permission to travel outside Ohio in December 2008 with a waiver of urine screens. (Tr. at 132-133) However, it is important to note that the Board has *not* alleged that Dr. Madan violated any travel restriction in the consent agreement. (St. Ex. 1)

Biomarkers in the Treatment of Alcohol Use Disorders," in *Substance Abuse Treatment Advisory*, vol. 5, issue 4 (Sept. 2006) (Resp. Ex. H); Dr. Madan's agreement with the Toledo

Hospital Alcohol and Drug Treatment Center (Resp. Ex. K); Dr. Madan's aftercare contract with Greene Hall Outpatient Center (Resp. Ex. L); and Dr. Madan's request for reinstatement of his certificate to practice medicine and surgery in Ohio, dated May 21, 2009 (Resp. Ex. M).

FINDINGS OF FACT

1. On or about October 8, 2008, Ravi Dutt Madan, M.D., entered into a Step I Consent Agreement with the State Medical Board of Ohio in lieu of formal proceedings based upon his violation of R.C. 4731.22(B)(10) and 4731.22(B)(26). Under the terms of this consent agreement, Dr. Madan's certificate to practice medicine and surgery in Ohio was suspended for an indefinite period of time not less than 180 days.

2. Paragraph 12 of the consent agreement requires Dr. Madan to provide urine, blood, breath, saliva and/or hair specimens for screening for drugs and alcohol upon the Board's request and without prior notice.

   Further, Paragraph 12 provides that Dr. Madan's refusal to submit a specimen upon the Board's request shall result in a minimum of one year of actual license suspension.

   Paragraph 9 of the consent agreement requires that Dr. Madan shall abstain from the consumption of any food or liquid, or the use of any substance, that may produce a low-level positive result in a toxicology screen. In Paragraph 9, Dr. Madan specifically acknowledged that he understood that the consumption or use of such substances may cause a positive drug screen and that, therefore, "such consumption or use is prohibited."

3. After Dr. Madan had provided multiple urine specimens in November 2008 through January 2009 that exhibited low creatinine levels and one specimen that tested positive for ethyl glucuronide [EtG], the Board requested a urine specimen from Dr. Madan without prior notice on February 5, 2009. Dr. Madan provided the specimen, which subsequently tested positive for EtG at the level of 50,100 ng/mL.

   Thereafter, urine specimens provided by Dr. Madan on February 20 and 24, 2009, also tested positive for EtG.

4. In a telephone conversation on March 4, 2009, a Board investigator requested that Dr. Madan provide a urine specimen that evening. The Board investigator reminded Dr. Madan that the consent agreement required him to provide the urine specimen as requested. Dr. Madan refused to provide a urine specimen to the Board investigator on March 4, 2009.

5. On March 5, 2009, Dr. Madan stated to a Board staff member that the Board investigator had not told him during the telephone conversation on March 4, 2009, that he was required by the consent agreement to provide the urine specimen. Dr. Madan's statement was false; the

investigator had plainly told Dr. Madan during their conversation that the consent agreement required Dr. Madan to provide the urine specimen being requested.

6. Further, on March 5, 2009, Dr. Madan stated to the Board staff member that he had told the Board investigator that he did not think he would be home in time to meet the investigator. This statement by Dr. Madan was false. The investigator had stated that he would meet with Dr. Madan as early as 9:00 p.m. and would be willing to meet at 9:30 p.m. if that time were more convenient for Dr. Madan, and the investigator had further inquired as to what other time that evening would be convenient for Dr. Madan. In response, Dr. Madan stated that there was no time that evening when he would be willing to meet with the investigator and that he would provide the urine specimen the next day.

CONCLUSIONS OF LAW

1. The acts, conduct, and/or omissions of Ravi Dutt Madan, M.D., as set forth above in Findings of Fact 1 through 4, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice," as that language is used in R.C. 4731.22(B)(15).

2. Further, Dr. Madan's acts, conduct, and/or omissions as set forth above in Findings of Fact 5 and 6, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that language is used in R.C. 4731.22(B)(5).

3. Further, Dr. Madan's acts, conduct, and/or omissions as set forth in Findings of Fact 2 through 6 constitute a "[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section," as that language is used in R.C. 4731.22(B)(34).

Analysis

The Allegations. It is important to note that the Board has not alleged that the EtG level on any lab report established a relapse on alcohol. Indeed, the Board has not proposed any disciplinary action based on the EtG level found in Dr. Madan's urine specimens.

Credibility. By the end of the hearing, it was clear to the Hearing Examiner that Dr. Madan is an individual who is having difficulty taking responsibility for his actions, who resents the Board's monitoring activities to which he agreed, and who has been unwilling to provide true and accurate information to the Board in several instances. During the hearing, Dr. Madan's tone and demeanor, together with the content of his testimony considered in view of all the evidence, demonstrated that his testimony was unreliable in several respects.

The Hearing Examiner did not believe Dr. Madan's statements that he was unsure whether he was obliged to give a urine sample during the evening of March 4, 2009. On the contrary, the Hearing Examiner became convinced that Dr. Madan did not want to comply with his consent agreement and tried to find every possible excuse for avoiding his clear duty to provide a urine sample on request.

For example, when Dr. Madan asserted that he had been confused about his contractual obligations, his testimony was not credible. First, paragraph 12 of the consent agreement is simple and clear with respect to the Board's right to request—and Dr. Madan's duty to provide—a specimen of his urine upon request without prior notice. In addition, the language in paragraph 12 is broad, with almost no limitations on the Board's right and Dr. Madan's duty with regard to an "on request" sample of urine. The consent agreement includes *no* provision that the Board is limited to only one specimen of urine per day. Similarly, the agreement does *not* state or imply that, during any day when Dr. Madan has provided a specimen under the call-in procedure, the Board may not request a specimen under the "on request without notice" provision. Indeed, it is logical to foresee that the Board, when monitoring a physician closely, may ask for an unannounced urine sample at a time when the physician does not expect to provide one.

The signed consent agreement, by itself with no further evidence, establishes that Dr. Madan was aware of his duty to provide a urine sample on request without prior notice. However, in this case, the evidence established more: Dr. Madan had previously given a urine sample at home after consulting with his attorney, and it was absolutely clear to him at that time, if not before, that he was required to provide a urine sample on request without prior notice.

In addition, on February 24, 2009, a Board investigator had arrived at Dr. Madan's home to request a urine sample without notice, when Dr. Madan had already provided a sample on that date pursuant to the call-in procedure; thus, he knew that an "on request" sample could be requested on a day when he had already given a sample under the call-in procedure. If he was unsure and concerned whether a second request in one day was permissible under the consent agreement, he could have inquired at that point. In the Hearing Examiner's assessment, Dr. Madan did not allege uncertainty in good faith during the March 2009 conversation with the investigator; the assertion of uncertainty was an obstruction that Dr. Madan erected because he did not want to comply with his contractual obligation. [13]

Second, the consent agreement sets forth the clear consequences if Dr. Madan should refuse to provide a urine specimen upon request. Dr. Madan's complaining that the person sent to collect the specimen did not inform him of the consequences of a refusal was an attempt to shift to someone else his own responsibility for knowing the provisions of the agreement he had signed.

[13]The Hearing Examiner notes that the request for the urine sample was a reasonable exercise of the Board's authority under the circumstances. The history of Dr. Madan's lab results supported close monitoring, including the collection of urine without prior notice at times when Dr. Madan might not expect to provide a sample. The request was also reasonable in other respects. For example, the evidence showed that Dr. Madan sometimes attended AA meetings that did not end until 8:00 p.m., and the investigator had initially stated that he would be at Dr. Madan's home at about 9:00 p.m. When Dr. Madan said he would not be home until 9:30 or 10:00 p.m., the investigator expressed his willingness to adjust the time to accommodate Dr. Madan's schedule. The only proposed time that the investigator rejected was Dr. Madan's statement that he would give a sample the next morning.

Further, the Hearing Examiner did not believe that the reason for Dr. Madan's failure to provide a urine sample was the death of his wife's relative. The Hearing Examiner is willing to accept that there was a family gathering in Detroit that Dr. Madan and his wife wanted very much to attend. Nonetheless, accepting as true the existence of an important family gathering does not mean that all of Dr. Madan's statements regarding that event were credible. For example, the Hearing Examiner found deceptive Dr. Madan's testimony that the gathering was an emergency so sudden and so urgent that he could not contact the Board. More importantly, the Hearing Examiner is convinced that, when Dr. Madan received the telephone call on March 4, 2009, he gave excuses that were insincere. The Hearing Examiner believes that Dr. Madan, after refusing to meet with the investigator to provide the specimen, subsequently became concerned about the consequences of his choice and realized that he needed to present a much better excuse than he had supplied to the investigator, and that he therefore seized upon the gathering in Michigan as something that he might use to gain sympathy and perhaps excuse his violation of the consent agreement. There were several reasons for this conclusion, including the following.

- When talking to the investigator, Dr. Madan asserted multiple reasons for refusing to give the sample until a later time, but at no point did Dr. Madan suggest to the investigator that his reason for not giving a urine sample that evening was a family tragedy that had caused a great deal of turmoil. If that were true, it would have been natural to express it, yet Dr. Madan said nothing about this reason until much later.

- Dr. Madan asserted a number of reasons for refusing to give the sample, including: (1) a meeting that would keep him from home until 9:30 p.m. or perhaps as late as ten o'clock; (2) his need for privacy at his home; (3) his irritation at being treated "like a criminal" and "hunted all the time," and being "tired of" requests to give urine samples at his home; and (4) a purported lack of clear understanding regarding the drugs he was allowed to take, which he asserted was the Board's fault.

  However, these excuses for refusing to provide a urine sample were spurious: (1) as soon as the investigator agreed to accommodate a delay until 9:30 or 10 o'clock based on the asserted time of arrival at home, Dr. Madan switched his reason to something else; (2) the question of privacy at home had already been dealt with during the previous month, when Dr. Madan had been required to provide a sample at his home upon request; (3) while Dr. Madan's statements rang true that he was irritated at being asked to comply with his consent agreement, a person's irritation at complying with a contractual obligation does not relieve him of the duty to comply with it; and (4) while Dr. Madan's alleged uncertainty about permissible drugs might have provided an explanation for a positive result on a lab report, it was not a logical justification for refusing to provide a urine sample.

- Dr. Madan did not present any witness or document to corroborate his testimony about the circumstances surrounding his travel to Detroit.

- Dr. Madan was not a credible witness regarding his reasons for refusing to give the requested specimen. First, the Hearing Examiner observed Dr. Madan's tone and demeanor during the hearing, and was convinced that Dr. Madan was not truthful about his reasons for refusing to provide the specimen. Dr. Madan's refusal to provide the specimen was not necessitated by a family emergency or otherwise caused by the relative's death.

Second, in addition to observing Dr. Madan during the hearing, the Hearing Examiner found that his testimony was at times internally inconsistent and also inconsistent with other evidence deemed reliable. For example, Dr. Madan gave inconsistent testimony regarding where he was and what his initial thoughts were at the time he received the telephone call from Mr. Yoakam. In addition, Dr. Madan gave false information to Ms. Bickers when he told her what had occurred during his conversation with Mr. Yoakam. Ms. Bickers' testimony was highly credible, both in her tone and demeanor as well as in the consistency of her testimony with other evidence overall. The story that Dr. Madan gave to Ms. Bickers regarding his conversation with the investigator was untrue in some respects, as demonstrated by the recording.

In sum, with regard to his obligation to provide a urine sample on request, Dr. Madan did not truly want to clarify the obligation, he wanted to evade it. Dr. Madan knew that he was obliged to provide a urine sample upon request, without prior notice, in addition to participating in the call-in program. Dr. Madan could have cooperated and provided a urine specimen that evening, but he did not want to, and he chose to refuse.

It does not matter whether Dr. Madan refused to provide the urine specimen because he was afraid it would test positive for a prohibited substance, or refused because he was tired of the obligations he had undertaken in the consent agreement or wanted to have more control over the process. He had agreed to comply with unannounced urine tests, and they are an important part of the array of tools and safeguards that the Board has for monitoring chemically dependent physicians. Such monitoring allows the Board to protect the public while also allowing the Board to work with recovering physicians and help them return to the practice of medicine. By providing supervision of recovery and monitoring it closely, the Board can avoid license revocations when physicians become chemically dependent.

With regard to Dr. Madan's misleading statements to the Board's Compliance Supervisor, the Hearing Examiner did not find that Dr. Madan made a calculated attempt to gain an advantage through a fraudulent misrepresentation. The Hearing Examiner noted that Dr. Madan, when speaking during the hearing, appeared at times to blurt whatever seemed convenient at the moment, without thoughtfulness and without regard for the truth, rather than offering a carefully constructed lie. Second, Dr. Madan's difficulty with facing the truth may reflect a pattern of denial attributable in part to the condition of chemical dependence.

With regard to the proposed order, the primary differences between the existing consent agreement and the proposed order are:

- an additional year of suspension, to commence at the end of the minimum six-month period of suspension established by the consent agreement, which was effective on October 8, 2008;
- a stayed revocation; and
- terms, conditions and limitations for a five-year probationary period.

PROPOSED ORDER

It is hereby **ORDERED** that:

A. **REVOCATION, STAYED; SUSPENSION:** The certificate of Ravi Dutt Madan, M.D., to practice medicine and surgery in the State of Ohio shall be REVOKED. Such revocation is STAYED, and Dr. Madan's certificate shall be SUSPENDED for an indefinite period of time, but not less than one year, commencing April 8, 2009.

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

1. **Obey the Law**: Dr. Madan shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.

2. **Quarterly Appearances**: Dr. Madan shall appear in person for an interview before the full Board or its designated representative on a quarterly basis or as otherwise requested by the Board. The first such appearance shall take place on the date his appearance would have been scheduled pursuant to his October 2008 Step I Consent Agreement with the Board (hereinafter "2008 Consent Agreement"), or as otherwise requested by 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.

3. **Quarterly Declarations**: Dr. Madan shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the date that his quarterly declaration would have been due pursuant to his 2008 Consent Agreement, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

4. **Sobriety**

a. **Abstention from Drugs**: Dr. Madan 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. Madan's history of chemical dependency.

Further, in the event that Dr. Madan is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Dr. Madan shall notify the Board in writing within seven days,

providing the Board with the identity of the prescriber, the name of the drug Dr. Madan received, the medical purpose for which he received the drug, the date the drug was initially received, and the dosage, amount, number of refills, and directions for use.

Further, within 30 days of the date said drug is so prescribed, dispensed, or administered to him, Dr. Madan shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

b. **Abstention from Alcohol**: Dr. Madan shall abstain completely from the use of alcohol.

5. **Drug & Alcohol Screens; Drug-Testing Facility and Collection Site**

a. Dr. Madan shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Dr. Madan 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, and shall include Dr. Madan's drug(s) of choice.

b. Dr. Madan shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. (The term "toxicology screen" is also used herein for "urine screen" and/or "drug screen.")

All specimens submitted by Dr. Madan shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Order.

Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Order.

c. Dr. Madan shall abstain from the use of any substance that may produce a positive result on a toxicology screen, including the consumption of poppy seeds or other food or liquid that may produce a positive result on a toxicology screen.

Dr. Madan shall be held to an understanding and knowledge that the consumption or use of various substances, including but not limited to mouthwashes, hand-cleaning gels, and cough syrups, may cause a positive toxicology screen and that unintentional ingestion of a substance is not distinguishable from intentional ingestion on a toxicology

screen, and that, therefore, consumption or use of substances that may produce a positive result in a toxicology screen is prohibited under this Order.

d. All screenings for drugs and alcohol shall be conducted through a Board-approved drug-testing facility and a Board-approved collection site, pursuant to the global contract between the Board and the facility/site that provides for the Board to maintain ultimate control over the urine-screening process and to preserve the confidentiality of all positive screening results in accordance with Ohio Revised Code Section 4731.22(F)(5), and the screening process shall require a daily call-in procedure. Further, in the event that the Board exercises its discretion as provided in Paragraph 6 below to approve urine screenings to be conducted at an alternative drug-testing facility and/or collection site or a supervising physician, such approval shall be expressly contingent upon the Board's retaining ultimate control over the urine-screening process in a manner that preserves the aforementioned confidentiality of all positive screening results.

e. Pursuant to the 2008 Consent Agreement, Dr. Madan was already required to enter into the necessary financial and/or contractual arrangements with the Board-approved drug-testing facility and/or collection site (hereinafter "DFCS") in order to facilitate the screening process in the manner required by the Board. He shall maintain the necessary arrangements with the Board-approved DFCS to facilitate the screening process in the manner required by this Order. Upon request, Dr. Madan shall provide to the Board within 10 days written documentation of these arrangements, including a copy of any contract entered into between Dr. Madan and the DFCS. Dr. Madan's failure to maintain such arrangements, or failure to timely provide written documentation to the Board of such arrangements, shall constitute a violation of this Order.

f. Dr. Madan shall ensure that the urine-screening process performed through the Board-approved DFCS requires a daily call-in or log-in procedure, that the urine specimens are obtained on a random basis, and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Madan and the Board-approved DFCS shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

g. Dr. Madan shall ensure that the Board-approved DFCS provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in

compliance with this Order, and whether all urine screens have been negative.

h. In the event that the Board-approved DFCS becomes unable or unwilling to serve as required by this Order, Dr. Madan must immediately notify the Board in writing, and make arrangements acceptable to the Board as soon as practicable. Dr. Madan shall further ensure that the Board-approved DFCS also notifies the Board directly of its inability to continue to serve and the reasons therefor.

i. The Board expressly reserves the right to withdraw its approval of any DFCS in the event that the Secretary and Supervising Member of the Board determine that the DFCS has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

6. **Alternative Drug-testing Facility and/or Collection Site:** It is the intent of this Order that Dr. Madan shall submit urine specimens to the Board-approved DFCS chosen by the Board. However, in the event that using the Board-approved DFCS creates an extraordinary hardship on Dr. Madan, as determined in the sole discretion of the Board, then, subject to the following requirements, the Board may approve an alternative DFCS or a supervising physician to facilitate the urine-screening process for Dr. Madan.

a. Within 30 days of the date on which Dr. Madan is notified of the Board's determination that utilizing the Board-approved DFCS constitutes an extraordinary hardship on Dr. Madan, he shall submit to the Board in writing for its prior approval the identity of either an alternative DFCS or the name of a proposed supervising physician to whom Dr. Madan shall submit the required urine specimens.

In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Dr. Madan's residence or employment location, or to a physician who practices in the same locale as Dr. Madan. Dr. Madan shall ensure that the urine-screening process performed through the alternative DFCS or through the supervising physician requires a daily call-in or log-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Madan shall ensure that the alternative DFCS or the supervising physician maintains appropriate control over the specimen and immediately informs the Board of any positive screening results.

b. Dr. Madan shall ensure that the alternative DFCS or the supervising physician provides quarterly reports to the Board, in a format

acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.

c. In the event that the designated alternative DFCS or the supervising physician becomes unable or unwilling to so serve, Dr. Madan must immediately notify the Board in writing. Dr. Madan shall further ensure that the previously designated alternative DFCS or the supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor. Further, in the event that the approved alternative DFCS or supervising physician becomes unable to serve, Dr. Madan shall, in order to ensure that there will be no interruption in his urine-screening process, immediately commence urine screening at the Board-approved DFCS chosen by the Board, until such time, if any, that the Board approves a different DFCS or supervising physician, if requested by Dr. Madan.

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

7. **Reports Regarding Drug & Alcohol Screens**: All screening reports required under this Order from the Board-approved DFCS, the alternative DFCS and/or supervising physician must be received in the Board's offices no later than the due date for Dr. Madan's quarterly declaration. It is Dr. Madan's responsibility to ensure that reports are timely submitted.

8. **Additional Screening without Prior Notice**: On the Board's request and without prior notice, Dr. Madan must provide a specimen of his blood, breath, saliva, urine, and/or hair for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Madan, or for any other purpose, at Dr. Madan's expense.

   Dr. Madan's refusal to submit a specimen on request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

9. **Rehabilitation Program**: Dr. Madan shall maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or C.A., no less than three times per

week, or as otherwise ordered by the Board. Substitution of any other specific program must receive prior Board approval.

Dr. Madan shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Madan's quarterly declarations.

10. **Releases**: Dr. Madan shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Madan's chemical dependency, impairment, or related conditions, or for purposes of complying with this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Madan further shall 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 Order.

11. **Absences from Ohio:** Dr. Madan shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the term of the suspension, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Order for occasional periods of absence of fourteen days or less. In the event that Dr. Madan resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and a contiguous state, Dr. Madan may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Madan is otherwise able to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

12. **Required Reporting of Change of Address:** Dr. Madan shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.

13. **Comply with the Terms of Treatment and Aftercare Contract**: Dr. Madan shall maintain continued compliance with the terms of his aftercare contract and with the terms of any advocacy contract entered into with the Ohio Physicians Health Program, provided that, where terms of the aftercare or advocacy contract conflict with terms of this Order, the terms of this Order shall control.

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

1. **Application for Reinstatement or Restoration**: Dr. Madan shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.

2. **Compliance with Interim Conditions**: Dr. Madan shall have maintained compliance with all the terms, conditions and limitations set forth in Paragraph B of this Order.

3. **Evidence of Unrestricted Licensure in Other States**: At the time he submits his application for reinstatement or restoration, Dr. Madan shall provide written documentation acceptable to the Board verifying that Dr. Madan otherwise holds a full and unrestricted license to practice medicine and surgery in all other states in which he is licensed at the time of application or has been in the past licensed, or that he would be entitled to such license but for the nonpayment of renewal fees.

4. **Demonstration of Ability to Resume Practice**: Dr. Madan 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:

   a. Certification from a treatment provider approved under Section 4731.25, Ohio Revised Code, that Dr. Madan has successfully completed any required inpatient treatment, including at least 28 days of inpatient or residential treatment (completed consecutively) for chemical abuse/dependence at a treatment provider approved by the Board. In accordance with Rule 4731-16-02(B)(4)(a), Ohio Administrative Code, the required inpatient treatment must extend a minimum of 28 days, with the following exception: If the practitioner has previously completed an inpatient or residential treatment program of at least 28 days and was able to maintain sobriety for at least one year following completion of that inpatient or residential treatment, the treatment required shall be determined by the treatment provider.

   b. Evidence of continuing full compliance with an aftercare contract with a treatment provider approved under Section 4731.25, Ohio Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with Rule 4731-16-10, Ohio Administrative Code.

   c. Evidence of continuing full compliance with this Order.

d. Two written reports indicating that Dr. Madan'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 have been made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Madan. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Madan shall provide the evaluators with copies of patient records from any evaluation and/or treatment that he has received, and a copy of this Order. The reports of the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Madan, and any conditions, restrictions, or limitations that should be imposed on Dr. Madan's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement or restoration. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

5. **Additional Evidence of Fitness To Resume Practice**: In the event that Dr. Madan has not been engaged in active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice.

D. **PROBATION**: Upon reinstatement or restoration, Dr. Madan's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

1. **Obey the Law**: Dr. Madan shall obey all federal, state, and local laws, and all rules governing the practice medicine and surgery in Ohio.

2. **Terms, Conditions, and Limitations Continued from Suspension Period**: Dr. Madan shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.

3. **Practice Plan**: Prior to Dr. Madan's commencement of practice in Ohio, or as otherwise determined by the Board, Dr. Madan shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Madan's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. Madan shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

   At the time Dr. Madan submits his practice plan, he shall also 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 or Supervising Member will give preference to a physician who practices in the same locale as Dr. Madan and who is engaged in the same or similar practice specialty.

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

   In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Madan must immediately so notify the Board in writing. In addition, Dr. Madan shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Madan shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

4. **Tolling of Probationary Period while Out of Compliance**: In the event Dr. Madan is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

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

F. **VIOLATION OF THE TERMS OF THIS ORDER**: If Dr. Madan violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

G. REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER

1. **Required Reporting to Employers and Others**: Within 30 days of the effective date of this Order, Dr. Madan shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but not limited to third-party payors), or is receiving training, and the chief of staff at each hospital or health-care center where he has privileges or appointments.

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

2. **Required Reporting To Other Licensing Authorities**: Within 30 days of the effective date of this Order, Dr. Madan shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

   Dr. Madan further shall provide a copy of this Order at the time of application to the proper licensing authority of any State or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Madan receives from the Board written notification of the successful completion of the probation.

3. **Required Reporting to Treatment Providers/Monitors**: Within 30 days of the effective date of this Order, Dr. Madan shall promptly provide a copy of this Order to all persons and entities that provide chemical-dependency treatment to or monitoring of Dr. Madan.

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

H. SUPERSEDES PREVIOUS CONSENT AGREEMENT: As of its effective date, this Order shall supersede the terms and conditions set forth in the October 2008 Step I Consent Agreement between Dr. Madan and the Board.

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

Patricia A. Davidson
Hearing Examiner

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of	*	
		Case No. 09-CRF-041
Ravi Dutt Madan, M.D.,	*	
		Hearing Examiner Davidson
Respondent.	*	

ERRATA

The Hearing Examiner notes that the Report and Recommendation filed September 8, 2009, includes a typographical error, setting forth the Case Number as 08-CRF-041.

The Case Number in the case caption and the page headers is hereby CORRECTED to read as follows: **Case No. 09-CRF-041**.

_____

Patricia A. Davidson
Hearing Examiner

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.;

Dr. Madia 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.

.....

Dr. Talmage left the room during the previous discussion.

.....

RAVI DUTT MADAN, M.D.

.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF RAVI DUTT MADAN, M.D. DR. VARYANI SECONDED THE MOTION.

.....

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- 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

April 8, 2009

Case number: 09-CRF-041

Ravi Dutt Madan, M.D.
Hope Cancer Center
825 W. Market Street, Suite 260
Attn: Kim Bryant
Lima, OH 45805

Dear Doctor Madan:

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

(1) On or about October 8, 2008, you entered into the Step I Consent Agreement Between Ravi Dutt Madan, M.D., and the State Medical Board of Ohio [October 2008 Consent Agreement], in lieu of formal proceedings based upon your violation of Sections 4731.22(B)(10) and 4731.22(B)(26), Ohio Revised Code. Under the terms of the October 2008 Consent Agreement, your certificate to practice medicine and surgery was suspended for an indefinite period of time, but not less than one hundred and eighty days. A copy of the October 2008 Consent Agreement is attached hereto and incorporated herein.

(2) Paragraph 12 of the October 2008 Consent Agreement requires that you provide urine, breath, saliva and/or hair specimens for screening for drugs and alcohol upon the Board's request and without prior notice. Further, Paragraph 12 also provides that your refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Further, Paragraph 9 of the October 2008 Consent Agreement requires that you shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen; and you acknowledged therein that such consumption or use is prohibited.

Mailed 4.9.09

After providing multiple urine specimens from in or about November 2008 through January 2009 that exhibited low creatinine levels and one specimen that tested positive for ethyl glucuronide [EtG], an unannounced urine specimen was requested from you by a Board investigator on or about February 5, 2009, which you provided to the investigator upon such request, and which subsequently tested positive for EtG at the level of 50,100 ng/mL.

Thereafter, urine specimens provided by you on or about February 20, 2009, and February 24, 2009, also tested positive for ethyl glucuronide.

Despite the requirements of paragraph 12, during a telephone conversation on or about March 4, 2009, you refused to provide a urine specimen to a Board investigator upon his request. The Board investigator further advised you that the October 2008 Consent Agreement required you to provide the urine specimen.

(3) On or about March 5, 2009, you falsely stated to Board staff that the Board investigator did not advise you during your telephone conversation on or about March 4, 2009, that you were required by the October 2008 Consent Agreement to provide the urine specimen. Further, on or about March 5, 2009, you falsely stated to Board staff that you told the Board investigator that you did not think you would be home in time to meet the investigator.

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (2) and (3) above, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute a "[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section," as that clause is used in Section 4731.22(B)(34), Ohio Revised Code.

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

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

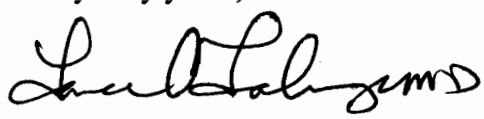
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at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

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

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/DPK/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3083 5511
RETURN RECEIPT REQUESTED

cc: Eric Plinke, Esq.
Dinsmore & Shohl, LLP
191 W Nationwide Blvd.
Suite 300
Columbus, OH 43215-8120

CERTIFIED MAIL #91 7108 2133 3936 3068 6502
RETURN RECEIPT REQUESTED

STATE MEDICAL BOARD

2003 OCT -1 A 10:06

STEP I
CONSENT AGREEMENT
BETWEEN
RAVI DUTT MADAN, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO

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

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

BASIS FOR ACTION

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

A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation 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;" 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;" and/or Section 4731.22(B)(20), Ohio Revised Code, "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board."

B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Sections 4731.22(B)(26) and 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.11, Ohio Revised Code, Aggravated Possession of Drugs, and Section 4731.212(B)(20), Ohio Revised Code, to wit: Rule 4731-11-08(A), Ohio Administrative Code, Utilizing Controlled Substances for Self and Family Members, as set forth in Paragraph E below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.

C. Dr. Madan is licensed to practice medicine and surgery in the State of Ohio, License number 35-075868.

D. Dr. Madan states that he is also licensed to practice medicine and surgery in the States of Michigan, Minnesota and North Dakota.

E. Dr. Madan admits that he initially entered inpatient treatment for chemical dependency at the Toledo Hospital, a Board-approved treatment provider located in Toledo, Ohio, on September 16, 2008, after having been found to be impaired due to chemical dependency as a result of a Board-ordered seventy-hour evaluation at Shepherd Hill that concluded on September 12, 2008.

Dr. Madan further admits that he ingested OxyContin, Percocet, Lorcet, Ultram, Xanax and diazepam that he had prescribed for family members and another individual associated with his household from in or about November 2006 to May 2008.

Dr. Madan further admits that he ordered and received Ativan intravenously which he self-administered and/or was administered to him by nurses in his employ on at least eighteen occasions at his home or office from in or about April 2008 through June 2008.

AGREED CONDITIONS

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

SUSPENSION OF CERTIFICATE

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

Obey all Laws

2. Dr. Madan shall obey all federal, state, and local laws.

Sobriety

3. Dr. Madan shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Madan's history of chemical dependency. Further, in the event that Dr. Madan is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Dr. Madan shall notify the Board in writing within seven days, providing the Board with the identity of the

prescriber; the name of the drug Dr. Madan received; the medical purpose for which he received said drug; the date such drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date said drug is so prescribed, dispensed, or administered to him, Dr. Madan shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

4. Dr. Madan shall abstain completely from the use of alcohol.

Absences from Ohio

5. Dr. Madan shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Madan resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Madan may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Madan is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.

Releases; Quarterly Declarations and Appearances

6. Dr. Madan shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Madan's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Madan 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.

7. Dr. Madan shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received

in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

8. Dr. Madan shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

Drug & Alcohol Screens; Drug Testing Facility and Collection Site

9. Dr. Madan shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Dr. Madan 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, and shall include Dr. Madan's drug(s) of choice.

   Dr. Madan shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen. Dr. Madan acknowledges that he understands that the consumption or use of such substances, including but not limited to substances such as mouthwash or hand cleaning gel, may cause a positive drug screen that may not be able to be differentiated from intentional ingestion, and therefore such consumption or use is prohibited under this Consent Agreement.

   All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site, except as provided in Paragraph 10 below, and the screening process shall require a daily call-in procedure.

   Dr. Madan shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Madan shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Consent Agreement. Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

   Further, within thirty days of the effective date of this Consent Agreement, Dr. Madan shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug testing facility and/or collection site in order to facilitate the urine screening process in the manner required by this Consent Agreement. Further, within

thirty days of making such arrangements, Dr. Madan shall provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Madan and the Board-approved drug testing facility and/or collection site. Dr. Madan's failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Consent Agreement.

Dr. Madan shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Madan and the Board-approved drug testing facility and collection site shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Madan shall ensure that the Board-approved drug testing facility and/or collection site provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

In the event that the Board-approved drug testing facility and/or collection site becomes unable or unwilling to serve as required by this Consent Agreement, Dr. Madan must immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph 10 below, as soon as practicable. Dr. Madan shall further ensure that the Board-approved drug testing facility and/or collection site also notifies the Board directly of its inability to continue to serve and the reasons therefore.

Dr. Madan acknowledges that the Board expressly reserves the right to withdraw its approval of any drug testing facility and/or collection site in the event that the Secretary and Supervising Member of the Board determine that the drug testing facility and/or collection site has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

10. Dr. Madan and the Board agree that it is the intent of this Consent Agreement that Dr. Madan shall submit his urine specimens to the Board-approved drug testing facility and collection site chosen by the Board. However, in the event that utilizing said Board-approved drug testing facility and/or collection site creates an extraordinary hardship upon Dr. Madan, as determined in the sole discretion of the Board, then subject to the following requirements, the Board may approve an alternate drug testing facility and/or collection site, or a supervising physician, to facilitate the urine screening process for Dr. Madan:

    a. Within thirty days of the date upon which Dr. Madan is notified of the Board's determination that utilizing the Board-approved drug testing facility and/or

collection site constitutes an extraordinary hardship upon Dr. Madan, he shall submit to the Board in writing for its prior approval the identity of either an alternate drug testing facility and collection site, or the name of a proposed supervising physician, to whom Dr. Madan shall submit the required urine specimens. In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Dr. Madan's residence or employment location, or to a physician who practices in the same locale as Dr. Madan. Dr. Madan shall ensure that the urine screening process performed through the alternate drug testing facility and/or collection site, or through the supervising physician, requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Madan acknowledges that the alternate drug testing facility and collection site, or the supervising physician, shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

b. Dr. Madan shall ensure that the alternate drug testing facility and/or collection site, or the supervising physician, provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

c. In the event that the designated alternate drug testing facility and/or collection site, or the supervising physician, becomes unable or unwilling to so serve, Dr. Madan must immediately notify the Board in writing. Dr. Madan shall further ensure that the previously designated alternate drug testing facility and collection site, or the supervising physician, also notifies the Board directly of the inability to continue to serve and the reasons therefore. Further, in order to ensure that there will be no interruption in his urine screening process, upon the previously approved alternate drug testing facility, collection site, or supervising physician becoming unable to serve, Dr. Madan shall immediately commence urine screening at the Board-approved drug testing facility and collection site chosen by the Board, until such time, if any, that the Board approves a subsequent alternate drug testing facility, collection site, or supervising physician, if requested by Dr. Madan.

d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Dr. Madan's designated alternate drug testing facility and/or collection site, or any person proposed to serve as his supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

11. All screening reports required under this Consent Agreement from the Board-approved drug testing facility and/or collection site, or from the alternate drug testing facility and/or collection site or supervising physician, must be received in the Board's offices no later than the due date for Dr. Madan's quarterly declaration. It is Dr. Madan's responsibility to ensure that reports are timely submitted.

12. The Board retains the right to require, and Dr. Madan agrees to submit, blood, urine, breath, saliva and/or hair specimens for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Madan, or for any other purpose, at Dr. Madan's expense upon the Board's request and without prior notice. Dr. Madan's refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

Rehabilitation Program

13. Within thirty days of the effective date of this Consent Agreement, Dr. Madan 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. Madan shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Madan's quarterly declarations.

14. Immediately upon completion of any required treatment for chemical dependency, Dr. Madan shall enter into an aftercare contract with a Board-approved treatment provider and shall maintain continued compliance with the terms of said aftercare contract, provided that, where the terms of the aftercare contract conflict with the terms of this Consent Agreement, the terms of this Consent Agreement shall control.

CONDITIONS FOR REINSTATEMENT

15. The Board shall not consider reinstatement or restoration of Dr. Madan's certificate to practice medicine and surgery until all of the following conditions are met:

    a. Dr. Madan shall submit an application for reinstatement or restoration, as appropriate, accompanied by appropriate fees, if any.

    b. Dr. Madan shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the

provisions of his certificate. Such demonstration shall include but shall not be limited to the following:

i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Madan has successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical abuse/dependence, as set forth in Rules 4731-16-02(B)(4) and 4731-16-08(A)(13), Ohio Administrative Code, completed consecutively.

ii. Evidence of continuing full compliance with, or successful completion of, a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.

iii. Evidence of continuing full compliance with this Consent Agreement.

iv. Two written reports indicating that Dr. Madan's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Madan. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Madan shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Madan, and any conditions, restrictions, or limitations that should be imposed on Dr. Madan's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

c. Dr. Madan shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board within 180 days of the date upon which all the above-specified conditions for reinstatement or

restoration have been completed or, if the Board and Dr. Madan are unable to agree on the terms of a written Consent Agreement, then Dr. Madan 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. The Board shall provide notice to Dr. Madan that said hearing has been scheduled, advising Dr. Madan of his hearing rights, and stating the date, time, and location of the hearing at which the Board will present its evidence, after which the Board will make a determination of the matter by Board Order.

Further, upon reinstatement of Dr. Madan's certificate to practice medicine and surgery in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code. Moreover, upon termination of the consent agreement or Board Order, Dr. Madan shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Madan has maintained sobriety.

16. In the event that Dr. Madan has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Madan's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

17. Within thirty days of the effective date of this Consent Agreement, Dr. Madan shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Madan shall promptly 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. In the event that Dr. Madan provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Madan shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Madan shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission

of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

18. Within thirty days of the effective date of this Consent Agreement, Dr. Madan shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Madan further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Madan shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

19. Dr. Madan shall promptly provide a copy of this Consent Agreement to all persons and entities that provide Dr. Madan chemical dependency treatment or monitoring. Further, Dr. Madan shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

20. Dr. Madan shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

DURATION/MODIFICATION OF TERMS

The above-described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties. In the event that the Board initiates future formal proceedings against Dr. Madan, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

FAILURE TO COMPLY

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

ACKNOWLEDGMENTS/LIABILITY RELEASE

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

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Madan acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

EFFECTIVE DATE

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

9/29/08
RAVI DUTT MADAN, M.D.

LANCE A. TALMAGE, M.D.
Secretary

9/29/08
DATE

10-8-08
DATE

KEVIN DEVANEY
Attorney for Dr. Madan

RAYMOND J. ALBERT
Supervising Member

9.29.08
DATE

10/8/08
DATE

DAVID P. KATKO
Enforcement Attorney

10/01/08
DATE

STATE MEDICAL BOARD
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