

**PROBATIONARY CONSENT AGREEMENT  
BETWEEN  
STEVEN RAY ALLEN, SR., M.D.,  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Allen 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(s) of Section 4731.22(B)(19), "[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)(5), Ohio Revised Code, "[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."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(5) and 4731.22(B)(19), Ohio Revised Code, 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 Consent Agreement.
- C. Dr. Allen is licensed to practice medicine and surgery in the State of Ohio, License # 35-086124.

- D. Dr. Allen states that he is not licensed to practice medicine and surgery in any other state or jurisdiction.
  
- E. Dr. Allen admits that he is currently under the care of a psychiatrist and psychologist, and that he has a history of psychiatric treatment dating back to approximately 2003 for diagnoses that include depression and a mood disorder. Dr. Allen further admits that beginning in 2003, his psychiatrist prescribed a number of medications, including Abilify, and that he had episodes of mania, depression and cycling. Dr. Allen also admits that in or about January 2004 he was hospitalized for approximately four days, and his discharge diagnosis was listed as "depression, possibly bipolar." Dr. Allen further admits that in or about October 2005, he stopped taking his psychiatric medications, and he was subsequently hospitalized for four days in January 2006 due to depression and suicidal ideation. Dr. Allen further admits that during this hospitalization, his medications were reinitiated and he was diagnosed with bipolar disorder type II with rapid cycling.

Dr. Allen admits that in February 2006 he informed a representative of the Board that he had been hospitalized in January 2006 for suicidal ideation, and that he was undergoing an assessment before returning to work as a resident. Dr. Allen further admits that in February and March 2006, he was evaluated by a psychologist who opined that Dr. Allen was fit to return to employment in his residency program, which fitness to return to work was predicated on the following: he must remain compliant with medications as prescribed by his treating psychiatrist; he must engage in weekly psychotherapy sessions until he completes his residency; he should meet on a quarterly basis with one of his evaluators to assess his treatment status; and he should only engage in surgical rotations in which he is able to get a minimum of five hours sleep per twenty-four hour period.

Dr. Allen admits that on or about August 16, 2006, he underwent a Board-ordered psychiatric evaluation, which resulted in the determination that he has the diagnosis of bipolar II disorder, and that his condition is amenable to treatment. Dr. Allen also admits that the evaluating psychiatrist opined, to a reasonable degree of medical certainty, that Dr. Allen is presently capable of practicing medicine according to acceptable and prevailing standards of care, so long as certain treatment, monitoring and supervising conditions are in place. Dr. Allen further admits that the evaluating psychiatrist recommended that if he is to continue to practice medicine, Dr. Allen must remain compliant with medications as prescribed by his treating psychiatrist; must attend weekly psychotherapy sessions until his residency is completed; must meet quarterly with the consulting psychologist who previously assessed Dr. Allen's fitness to return to his residency; must notify his psychotherapist and/or psychiatrist if he is having difficulties meeting his patient care responsibilities; must consent to his treating psychiatrist and/or psychologist providing regular updates on his condition to the Board; and should undergo testing to determine if he has some degree of sleep apnea.

Further, Dr. Allen admits that when completing his application to practice medicine and surgery in Ohio in or about March 2005, he falsely provided a negative answer to Question 22 that asked whether, within the last ten years, he had been diagnosed with or treated for bipolar disorder, or any psychotic disorder, and whether he had been admitted to a hospital, within the last ten years, for the treatment of bipolar disorder, or any other psychotic disorder. Dr. Allen admits that, in fact, at the time he completed such application, he had been diagnosed with or treated for bipolar disorder, and/or admitted to a hospital for treatment of bipolar disorder, or a psychotic disorder, as described above. Dr. Allen further admits that he should have disclosed his psychiatric condition and treatment to the Board, and he specifically attests that he answered no to the aforementioned questions because he believed that he had not been definitively diagnosed with bipolar disorder. Dr. Allen further states, and the Board acknowledges, that he has fully cooperated with the Board in its investigation, and has released information to the Board relating to his psychiatric condition.

### **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. Allen knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

#### **Reprimand**

1. Dr. Allen shall be and is hereby **REPRIMANDED** for misrepresentation on his application for medical licensure.

Further, Dr. Allen knowingly and voluntarily agrees with the Board to the following **PROBATIONARY** terms, conditions and limitations:

2. Dr. Allen shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
3. Dr. Allen shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
4. Dr. Allen 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.

5. Dr. Allen 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.
6. In the event Dr. Allen is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

## **MONITORING AND TREATMENT**

### **Psychiatric Treatment**

7. Within thirty days of the effective date of this Consent Agreement, Dr. Allen 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. Allen shall undergo and continue psychiatric treatment, to include individual psychotherapy, at least once a week, or as otherwise directed by the Board. Dr. Allen shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered by his approved treating psychiatrist for his psychiatric disorder.

Dr. Allen shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the Board on a quarterly basis, or as otherwise directed by the Board. The psychiatric reports shall contain information describing Dr. Allen's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Allen's compliance with his treatment plan; Dr. Allen's mental status; Dr. Allen's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Allen shall ensure that his treating psychiatrist immediately notifies the Board of his failure to comply with his psychiatric treatment plan.

The psychotherapy required pursuant to this paragraph may be delegated by Dr. Allen's treating psychiatrist to an appropriately licensed mental health professional approved in advance by the Board, so long as Dr. Allen's treating psychiatrist oversees/supervises such psychotherapy; includes information concerning Dr. Allen's participation and progress in psychotherapy in his or her quarterly reports; and continues to meet personally with Dr. Allen at least monthly. Should the

psychotherapy required pursuant to this provision be delegated to a licensed mental health professional, Dr. Allen shall ensure that psychotherapy reports are forwarded by his treating licensed mental health professional to the Board on a quarterly basis, or as otherwise directed by the Board. The psychotherapy reports shall contain information describing Dr. Allen's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Allen compliance with his treatment plan; Dr. Allen's mental status; Dr. Allen's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Allen shall ensure that his treating licensed mental health professional immediately notifies the Board of his failure to comply with his psychotherapy treatment plan. These psychotherapy reports shall be in addition to the psychiatric reports.

It is Dr. Allen's responsibility to ensure that all quarterly reports (psychiatric and psychotherapy, if applicable) are received in the Board's offices no later than the due date for Dr. Allen's quarterly declaration.

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

### **Monitoring Physician**

8. Within thirty days of the effective date of this Consent Agreement, Dr. Allen shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Allen and who is engaged in the same or similar practice specialty.

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

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

While Dr. Allen participates in a residency program accredited by the ACGME, the Board shall accept a quarterly statement from the director of Dr. Allen's residency program addressing Dr. Allen's performance (clinical and otherwise) in the residency program, as well as his progress and status, if timely submitted, as satisfaction of the requirements of this paragraph. Should Dr. Allen desire to utilize this option in lieu of having a monitoring physician while he participates in a residency program, Dr. Allen shall so notify the Board by providing a writing, signed by both himself and his residency director, to the Board within thirty days of the effective date of this Consent Agreement. Further, should Dr. Allen cease participation in an accredited residency or should he desire to practice outside a residency pursuant to the Practice Plan and Restrictions outlined in paragraph 9 below, or should his residency director become unable or unwilling to serve, Dr. Allen must immediately so notify the Board in writing and within thirty days make arrangements for a monitoring physician, as discussed above.

All reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Allen's quarterly declaration. It is Dr. Allen's responsibility to ensure that reports are timely submitted.

### **Practice Plan and Restrictions**

9. Dr. Allen shall obtain the approval of the Board for any medical practice or employment related to the health care fields. Dr. Allen shall not engage in the practice of medicine, other than continuation of his current residency training program, unless and until such time that the Board has approved a practice plan, and thereafter, Dr. Allen's practice of medicine shall be only in accordance with such practice plan. The Board shall consider, among other factors, the adequacy and continuity of supervision, which will ensure the protection of the public, prior to approval or disapproval of the proposed employment. Further, Dr. Allen shall submit a revised practice plan to the Board and obtain the prior approval of the Board should he desire modification to any previously approved practice plan(s).

### **Releases**

10. Dr. Allen 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 psychiatric treatment or evaluation for Dr. Allen's psychiatric condition or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Allen further agrees to provide the Board written consent permitting any healthcare provider from whom he obtains evaluation or treatment to notify the Board in the event he fails to agree to or comply with any treatment plan. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.

#### **Required Reporting by Licensee**

11. Within thirty days of the effective date of this Consent Agreement, Dr. Allen shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Allen shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. This requirement shall continue until termination of the probationary terms, limitations, and conditions contained in this Consent Agreement.
12. Within thirty days of the effective date of this Consent Agreement, Dr. Allen shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Allen further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license. Further, Dr. Allen shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt. This requirement shall continue until termination of the probationary terms, limitations, and conditions contained in this Consent Agreement.
13. Dr. Allen shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Allen psychiatric and/or psychological treatment or monitoring.

### **FAILURE TO COMPLY**

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

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

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

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

### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

Dr. Allen 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.

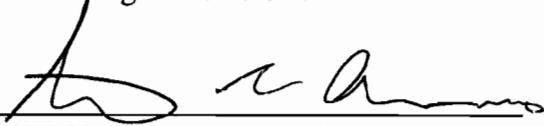
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Allen 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. Allen 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.

  
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STEVEN RAY ALLEN, M.D.

  
\_\_\_\_\_  
LANCE A. TALMAGE, M.D.  
Secretary

7/25/07  
DATE

8-9-07  
DATE

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

8/8/07  
DATE

  
\_\_\_\_\_  
MARK R. BLACKMER  
Enforcement Attorney

July 31, 2007  
DATE

STATE HEALTH BOARD  
OF OHIO  
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