

**CONSENT AGREEMENT
BETWEEN
RONALD CARL HETMAN, D.P.M.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Hetman 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 any of the enumerated violations.
- B. The Board and Dr. Hetman enter into this Consent Agreement in lieu of formal proceedings based upon the allegations set forth in the Notice of Opportunity for Hearing issued on July 12, 2006 [July 2006 Notice of Opportunity], a copy of which is attached hereto and fully incorporated herein; based upon the violations set forth in the Step I Consent Agreement Between Ronald Carl Hetman, D.P.M., and the State Medical Board of Ohio, effective February 8, 2006 [February 2006 Step I Consent Agreement], a copy of which is attached hereto and incorporated herein; and based upon the violations set forth herein. The Board expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. Dr. Hetman's license to practice podiatric medicine and surgery in the state of Ohio, License #36.001421, was suspended for an indefinite period of time, but not less than 150 days, pursuant to the terms of the above-referenced February 2006 Step I Consent Agreement. Further, Dr. Hetman's certificate was under such suspension at the time the aforementioned July 2006 Notice of Opportunity was issued by the Board. Further, Dr. Hetman is seeking reinstatement of his license to practice podiatric medicine and surgery in Ohio, which has remained suspended to date.

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- D. Dr. Hetman states that he is not licensed to practice podiatric medicine and surgery in any other state or jurisdiction.
- E. Dr. Hetman admits that he has been monitored by the Board since he entered into the aforementioned February 2006 Step I Consent Agreement. Dr. Hetman further admits that the February 2006 Step I Consent Agreement provided that the Board would pursue by separate action any other violations beyond the particular violations specifically set forth in the Step I Consent Agreement, and that on or about July 12, 2006, the Board issued to him a Notice of Opportunity for Hearing alleging additional violations. Further, Dr. Hetman admits all the factual and legal allegations contained in the July 2006 Notice of Opportunity.
- F. Dr. Hetman further admits that after entering residential treatment for substance abuse on or about January 9, 2006, at The Woods at Parkside [Parkside], a Board-approved treatment provider, he was discharged, treatment complete, on or about February 8, 2006. Dr. Hetman states, and the Board acknowledges receipt of information to support, that since being discharged from Parkside, he has remained compliant with the aftercare contract he entered into on or about April 20, 2006, with the Bethesda Alcohol & Drug Treatment Program [Bethesda], a Board-approved treatment provider in Cincinnati, Ohio, including attending and participating in three or more 12-step meetings per week, attending one aftercare group meeting per week, and submitting to random blood or urine screens. In addition, Dr. Hetman states, and the Board acknowledges receipt of information to support, that Dr. Hetman has remained compliant with the terms of the advocacy contract he entered with the Ohio Physicians Health Program on or about March 10, 2006. Further, Dr. Hetman admits that the aforementioned advocacy and aftercare contracts remain in effect.

Further, Dr. Hetman states, and the Board acknowledges receipt of information to support, that David Goldberg, D.O., of Greene Memorial Hospital, a Board-approved treatment provider in Xenia, Ohio, and Raymond Hellman, III, M.D., of Bethesda, have each provided written reports indicating that Dr. Hetman's ability to practice has been assessed and that he has been found capable of practicing podiatric medicine and surgery according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place.

Dr. Hetman further states, and the Board further acknowledges receipt of information to support, that he successfully completed a medical education course dealing with the prescribing of controlled substances, and a medical education course on maintaining adequate and appropriate medical records.

Accordingly, Dr. Hetman states, and the Board acknowledges receipt of information to support, that Dr. Hetman has fulfilled the conditions for reinstatement of his certificate to practice podiatric medicine and surgery in the state of Ohio, as established in the above-referenced February 2006 Step I Consent Agreement.

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AGREED CONDITIONS

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

1. Dr. Hetman shall obey all federal, state, and local laws, and all rules governing the practice of podiatric medicine and surgery in Ohio.
2. Dr. Hetman 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 February 2006 Step I Consent Agreement with the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Hetman 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 February 2006 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.
4. Dr. Hetman 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.
5. In the event Dr. Hetman is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. Dr. Hetman shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, thirty days prior to Dr. Hetman's

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personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Hetman shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.

7. Dr. Hetman shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 9 below) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Hetman to administer or personally furnish controlled substances, Dr. Hetman shall keep a log of all controlled substances prescribed, administered or personally furnished. Such log shall be submitted in the format approved by the Board thirty days prior to Dr. Hetman's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Hetman shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board upon request.
8. Dr. Hetman shall not examine or treat any employee or former employee, nor shall he prescribe, dispense, or administer a dangerous drug or controlled substance to any employee or former employee. Further, Dr. Hetman shall not authorize or allow any individual to place an order in affiliation with Dr. Hetman's podiatric medical practice for any dangerous drug or controlled substance for such individual's self-use. Further, Dr. Hetman shall not authorize or allow any individual to place an order in affiliation with Dr. Hetman's podiatric medical practice for any dangerous drug or controlled substance for use by any other person except a patient who is legitimately prescribed such dangerous drug or controlled substance by Dr. Hetman as authorized by law. Further, Dr. Hetman shall not allow or authorize any individual to dispense or administer any dangerous drug or controlled substance for self-use by that individual or for use by any other person except a patient who is legitimately dispensed or administered such dangerous drug or controlled substance by Dr. Hetman as authorized by law.

Sobriety

9. Dr. Hetman 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. Hetman's history of substance abuse.
10. Dr. Hetman shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Supervising Physician

11. Dr. Hetman shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Hetman shall ensure that all screening

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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.

Dr. Hetman shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Dr. Hetman and the Board agree that the person or entity previously approved by the Board to serve as Dr. Hetman's supervising physician pursuant to the February 2006 Step I Consent Agreement is hereby approved to continue as Dr. Hetman's designated supervising physician under this Consent Agreement, unless within thirty days of the effective date of this Consent Agreement, Dr. Hetman submits to the Board for its prior approval the name and curriculum vitae of an alternative supervising physician to whom Dr. Hetman shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Hetman. Dr. Hetman and the supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

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

Dr. Hetman shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Hetman must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Hetman shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

All screening reports and supervising physician reports required under this paragraph

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

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

Monitoring Physician

13. Before engaging in any podiatric medical practice, Dr. Hetman 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. Hetman and who is engaged in the same or similar practice specialty.

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

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Hetman must immediately so notify the Board in writing. In addition, Dr. Hetman 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. Hetman shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Rehabilitation Program

14. Dr. Hetman shall 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. Hetman shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Hetman's quarterly declarations.

Physician Health Program/Aftercare

15. Dr. Hetman shall maintain continued compliance with the terms of the advocacy contract entered into with the Ohio Physicians Health Program, or if approved in advance by the Board, other physician health program, provided that, where the terms of the advocacy contract conflict with the terms of this Consent Agreement, the terms of this Consent Agreement shall control.
16. Dr. Hetman shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, provided that, where terms of the aftercare contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Releases

17. Dr. Hetman 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. Hetman's substance abuse 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. Hetman 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.

Required Reporting by Licensee

18. Within thirty days of the effective date of this Consent Agreement, Dr. Hetman 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. Hetman 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.

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RECEIVED

19. Within thirty days of the effective date of this Consent Agreement, Dr. Hetman 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. Hetman 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. Hetman shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
20. Dr. Hetman shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Hetman substance abuse treatment or monitoring.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Hetman 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. Hetman has violated any term, condition or limitation of this Consent Agreement, Dr. Hetman 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. Hetman shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Hetman 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. Hetman 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.

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Dr. Hetman 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. Hetman 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.



RONALD CARL HETMAN, D.P.M. *DP111*



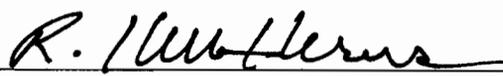
LANCE A. TALMAGE, M.D.
Secretary

3-8-07

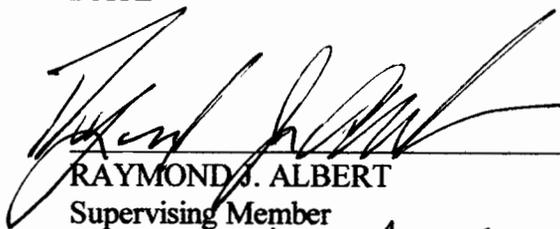
DATE

3-14-07

DATE



R. KEVIN KERNS
Attorney for Dr. Hetman



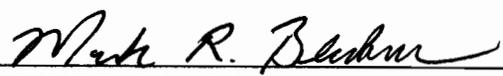
RAYMOND J. ALBERT
Supervising Member

March 9, 2007

DATE

3/14/07

DATE



MARK R. BLACKMER

OHIO STATE MEDICAL BOARD

Enforcement Attorney

March 9, 2007
DATE

OHIO STATE MEDICAL BOARD

MAR 09 2007

RECEIVED



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

July 12, 2006

Ronald Carl Hetman, D.P.M.
7301 Far Hills Avenue
Centerville, OH 45459

Dear Doctor Hetman:

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 podiatric medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about February 8, 2006, in lieu of formal proceedings based upon your violations of Sections 4731.22(B)(26), (B)(10) and (B)(20), Ohio Revised Code, you entered into a Step I Consent Agreement with the Board, which suspended your certificate to practice podiatric medicine and surgery for an indefinite period of time, but not less than 150 days. A copy of the Step I Consent Agreement is attached hereto and fully incorporated herein. In this Step I Consent Agreement, you admitted that you had inappropriately obtained controlled substances for your own use. You also admitted that after meeting with Board investigators in or about December 2005, you voluntarily entered The Woods at Parkside [Parkside], a Board-approved treatment provider in Columbus, Ohio, on or about January 9, 2006, for purposes of a three-day inpatient evaluation, where you were diagnosed with substance abuse, and you then entered residential treatment at Parkside. You further admitted that you had been self-medicating with Darvocet for approximately five years, and that you obtained that drug by ordering it from a wholesale pharmacy, which also supplied other medications to your office. In addition, you admitted that you had inappropriately used approximately ten to twenty tablets of hydrocodone over the last one-year period, and that you obtained that medication from a family member who had been prescribed the medication following surgery.

In this Step I Consent Agreement, you also agreed to certain specified terms, conditions, and limitations, including that the Board would pursue by separate action any violations beyond the particular criminal acts set specifically forth in Paragraph E of the Step I Consent Agreement, including but not limited to, any matters related to the practice of medicine or surgery without a certificate, any matters related to drug use by others, any matters related to trafficking of drugs, and any matters related to aiding and abetting and/or complicity, even if such violations arose from the same common nucleus of operative facts as outlined within the Step I Consent Agreement.

- (2) During your interview by Board investigators in or about December 2005 and/or your deposition by a representative of the Board in or about April 2006, you stated that you authorized one of your employees to order controlled substances from a wholesale pharmacy

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for a period of more than two years for her own self-use to treat migraine headaches and anxiety, and for use by one of the employee's family members as a sleeping aid. You also stated that you permitted the employee to order controlled substances from the wholesale pharmacy in order to save money, and that your employee paid you for the drugs that she ordered from the pharmacy. Although you initially indicated to the Board investigators that your employee ordered Butalbital to treat her migraine headaches, you later stated in your deposition that the employee used this drug for both her migraine headaches and chronic ankle pain. You further stated during your deposition that you, as a podiatrist, could not prescribe controlled substances to an individual for treatment of migraine headaches, and while you had previously treated your employee for her foot or ankle, you did not keep any medical records.

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Trafficking in Drugs, Section 2925.03, Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Complicity, Section 2923.03, Ohio Revised Code, to wit: Deception to Obtain a Dangerous Drug, Section 2925.22, Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Practice of Medicine or Surgery Without Certificate, Section 4731.41, 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, suspend, refuse to register or reinstate your certificate to practice podiatric 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/blt
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4331 9175
RETURN RECEIPT REQUESTED

cc: Kevin R. Kerns, Esq.
Kegler Brown Hill & Ritter
Capitol Square – Suite 1800
65 E. State St.
Columbus, OH 43215

CERTIFIED MAIL # 7003 0500 0002 4331 9168
RETURN RECEIPT REQUESTED

**STEP I
CONSENT AGREEMENT
BETWEEN
RONALD CARL HETMAN, D.P.M.,
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Dr. Hetman 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)(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, "[v]iolating 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 violations of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraph E below; Section 4731.22(B)(10), Ohio Revised Code, to wit: Possession of Drugs, Section 2925.11, Ohio Revised Code, Deception to Obtain a Dangerous Drug, Section 2925.22, Ohio Revised Code, and/or Illegal Processing of Drug Documents, Section 2925.23, Ohio Revised Code, as set forth in Paragraph E below; and Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-11-08, Ohio Administrative Code, as set forth in Paragraph E below. The Board expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the

Revised Code, whether occurring before or after the effective date of this Agreement. Such express reservation includes, but is not limited to, violations based on any methods used by Dr. Hetman to obtain controlled substances or drugs for self-use other than as particularly described herein, criminal acts other than as specifically referenced herein, acts involving patient care or otherwise involving others, and/or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, any criminal offense(s) other than those specifically described herein pertaining to Dr. Hetman's felonious conduct to obtain drugs for self-use.

In addition, Dr. Hetman states that he understands that the Board will pursue by separate action any violations beyond the particular criminal acts set specifically forth in Paragraph E, below, including but not limited to, any matters related to the practice of medicine or surgery without a certificate, any matters related to drug use by others, any matters related to trafficking of drugs, and any matters related to aiding and abetting and/or complicity, even if such violations arise from the same common nucleus of operative facts as outlined within this Consent Agreement. Dr. Hetman further states and acknowledges that he understands that subsequent Board actions may supercede this Consent Agreement and may result in further discipline, up to and including permanent revocation of his license to practice podiatric medicine and surgery in Ohio.

- C. Dr. Hetman is licensed to practice podiatric medicine and surgery in the State of Ohio, License # 36-001421.
- D. Dr. Hetman states that he is not licensed to practice podiatric medicine and surgery in any other state or jurisdiction.
- E. Dr. Hetman admits that he has the diagnosis of substance abuse, that his drug of choice is Darvocet, and that he has inappropriately obtained controlled substances for his own use. Dr. Hetman further admits that after Board investigators met with him on or about December 14, 2005, and on or about December 21, 2005, he voluntarily entered The Woods at Parkside [Parkside], a Board-approved treatment provider in Columbus, Ohio, on or about January 9, 2006, for the purpose of undergoing a three-day inpatient evaluation for determining whether he is in violation of Section 4731.22(B)(26), Ohio Revised Code. Dr. Hetman also admits that as a result of this evaluation, the treatment team at Parkside determined that he has the diagnosis of substance abuse, that he is currently impaired in his ability to practice podiatric medicine and surgery according to acceptable and prevailing standards of care, and that inpatient care was recommended. Dr. Hetman further admits that he thereafter entered residential treatment at Parkside, and that such treatment remains ongoing at this time.

Dr. Hetman states that he has had back pain for fifteen to twenty years, and he admits that he has been self-medicating with Darvocet for approximately five years. Dr. Hetman further admits that he developed a physical dependence on Darvocet and that, before entering inpatient treatment in January 2006, he generally used three to twelve

tablets daily, and on some occasions up to fifteen tablets per day. In addition, Dr. Hetman admits that he inappropriately used approximately ten to twenty tablets of hydrocodone over the last one-year period. Dr. Hetman further admits that he obtained the controlled substances for self-use exclusively through two methods: Dr. Hetman obtained the hydrocodone from a family member who had been prescribed the medication following surgery; and Dr. Hetman ordered Darvocet from a wholesale pharmacy, which also supplied other medications to his office. Dr. Hetman specifically denies obtaining any controlled substances for his self-use by any other methods.

Further, Dr. Hetman admits that he failed to maintain accurate and complete records as required by applicable state and federal laws, including those governing the purchase and distribution of controlled substances.

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. Hetman knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Hetman to practice podiatric medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less 150 days.

Sobriety

2. Dr. Hetman 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. Hetman's history of chemical dependency.
3. Dr. Hetman shall abstain completely from the use of alcohol.

Releases; Quarterly Declarations and Appearances

4. Dr. Hetman 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. Hetman'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. 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. Hetman further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or

aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.

5. Dr. Hetman 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, provided that if the effective date is on or after the sixteenth day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
6. Dr. Hetman 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; Supervising Physician

7. Dr. Hetman shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Hetman 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.

Dr. Hetman shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Within thirty days of the effective date of this Consent Agreement, Dr. Hetman shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Hetman shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Hetman. Dr. Hetman and the supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Hetman shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have

been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Hetman must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Hetman shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

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

8. The Board retains the right to require, and Dr. Hetman agrees to submit, blood or urine specimens for analysis at Dr. Hetman's expense upon the Board's request and without prior notice.

Rehabilitation Program

9. Within thirty days of the effective date of this Consent Agreement, Dr. Hetman 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. Hetman shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Hetman's quarterly declarations.

CONDITIONS FOR REINSTATEMENT

10. The Board shall not consider reinstatement of Dr. Hetman's certificate to practice podiatric medicine and surgery until all of the following conditions are met:
 - a. Dr. Hetman shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Hetman 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. Hetman has successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical dependence, as set forth in Rules 4731-16-02(B)(4)(a) and 4731-16-08(A)(13), Ohio Administrative Code.
- ii. Evidence of continuing full compliance with 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. Hetman'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. Hetman. Prior to the assessments, Dr. Hetman 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. Hetman, and any conditions, restrictions, or limitations that should be imposed on Dr. Hetman'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.

- c. Dr. Hetman shall provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances, and a course on maintaining adequate and appropriate medical records. The exact number of hours and the specific content of the courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for licensure renewal for the Continuing Medical Education acquisition period(s) in which they are completed.

In addition, at the time Dr. Hetman submits the documentation of successful completion of the course dealing with the prescribing of controlled substances, and the course on maintaining adequate and appropriate medical records, he shall also

submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of podiatric medicine and surgery in the future.

- d. Dr. Hetman shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Hetman are unable to agree on the terms of a written Consent Agreement, then Dr. Hetman further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

Further, upon reinstatement of Dr. Hetman's certificate to practice podiatric 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. Hetman 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. Hetman has maintained sobriety.

11. In the event that Dr. Hetman has not been engaged in the active practice of podiatric 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. Hetman's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

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

14. Dr. Hetman shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Hetman chemical dependency treatment or monitoring.

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

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Hetman 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. Hetman 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. Hetman 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. Hetman 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.

Ronald C Hetman DPM
RONALD CARL HETMAN, D.P.M.

Lance A. Talmage MD
LANCE A. TALMAGE, M.D.
Secretary

2/8/06
DATE

2-8-06
DATE

R. Kerns
KEVIN R. KERNS
Attorney for Dr. Hetman

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member

2/8/06
DATE

2/8/06
DATE

Mark R. Blackmer
MARK R. BLACKMER
Enforcement Attorney

February 8, 2006
DATE