

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

June 8, 2011

Jimmie Steve Ward, P.A.
1236 Kirkwall Drive
Copley, OH 44321

RE: Case No. 11-CRF-018

Dear Mr. Ward:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Danielle R. Blue, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 8, 2011, including motions approving and confirming the Report and Recommendation and Order 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 must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. 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, M.D.
Secretary

LAT:jam
Enclosures

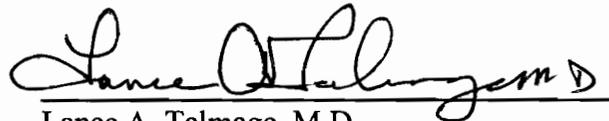
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RETURN RECEIPT REQUESTED

Mailed 7-14-11

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio (Board); Report and Recommendation of Danielle R. Blue, Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 8, 2011, including motions approving and confirming the Findings of Fact and Conclusions of Law of the Hearing Examiner, and Final Order of the Board, 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 Jimmie Steve Ward, P.A., Case No. 11-CRF-018, 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)

June 8, 2011
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 11-CRF-018

JIMMIE STEVE WARD, P.A.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on June 8, 2011.

Upon the Report and Recommendation of Danielle R. Blue, 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.

Rationale for disapproving recommended Order: A special, extraordinary exception is appropriate given the applicant's twenty-six years of NCCPA certification and long, distinguished career with the U.S. Army.

It is hereby ORDERED that:

The application of Jimmie S. Ward, P.A. for a certificate to practice as a physician assistant in the State of Ohio is GRANTED subject to the following permanent limitation and restriction.

Permanent Limitation/Restriction: The certificate of Jimmie S. Ward to practice as a physician assistant in the State of Ohio shall be permanently LIMITED and RESTRICTED as follows: he may practice only within employment by the United States Department of Defense or the Veterans Administration.

The Order shall become effective immediately upon the mailing of the notification of approval by the Board.



Lance A. Talmage, M.D.
Secretary

(SEAL)

June 8, 2011

Date

2011 MAY 11 AM 9:17

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 11-CRF-018

Jimmie Steve Ward, P.A.,

*

Hearing Examiner Blue

Respondent.

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ERRATA TO REPORT AND RECOMMENDATION

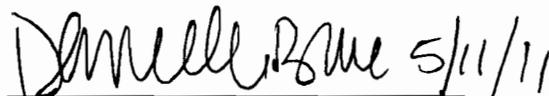
A word (“not”) was omitted in paragraph 10 of the Summary of the Evidence. The correction is made below.

Page Paragraph

Correction

4 10

In regard to Paragraph (4)(a) of R.C. 4730.11, Ms. Rieve testified that Mr. Ward does not meet this section because the P.A. program at Fort Sam Houston is “not technically ARC PA approved.” (Tr. at 56)



Danielle R. Blue, Esq.
Hearing Examiner

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 11-CRF-018

Jimmie Steve Ward, P.A.,

*

Hearing Examiner Blue

Respondent.

*

2011 MAY 10 PM 4:13

STATE MEDICAL BOARD
OF OHIO

REPORT AND RECOMMENDATION

Basis for Hearing:

By letter dated March 9, 2011, the State Medical Board of Ohio [Board] notified Jimmie Steve Ward, P.A., that it proposed to deny his application for a certificate to practice as a physician assistant in Ohio because: (1) his certificate to practice as a physician assistant in Ohio was revoked in 2002 based upon his failure to comply with the terms of an April 11, 2001 Board Order, and (2) he does not either: (a) hold a master's or higher degree from a physician assistant accredited program, (b) hold a degree other than a master's or higher degree from a physician assistant accredited program and hold a master's degree that is clinically relevant to the physician assistant practice, (c) hold a certificate to practice in another state or jurisdiction issued prior to January 1, 2008, or (d) hold a degree other than a master's or higher as a result of being enrolled on January 1, 2008, in an Ohio physician assistant accredited program that did not grant master's or higher degrees and completing the program before December 31, 2009, as required by Ohio Revised Code Section [R.C.] 4730.11.

Finally, the Board advised Mr. Ward of his right to request a hearing in this matter, and the Board received Mr. Ward's request for a hearing on March 24, 2011. (State's Exhibits [St. Exs.] 1A, 1B)

Appearances:

Mike DeWine, Attorney General of Ohio, and Kyle C. Wilcox, Assistant Attorney General, on behalf of the State of Ohio. Mr. Ward represented himself.

Hearing Date: April 27, 2011

PROCEDURAL MATTERS

At hearing, the Hearing Examiner requested additional evidence from the State. In response, the State submitted an additional exhibit marked as State's Exhibit 6 on April 27, 2011. The Respondent stated he not have an objection to State's Exhibit 6. As such, the Hearing Examiner admitted State's Exhibit 6 into evidence. The hearing record closed on April 28, 2011.

SUMMARY OF THE EVIDENCE

All evidence admitted in this matter, including the testimony, even if not specifically mentioned, was thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background

1. Jimmie Steve Ward, P.A., completed the physician assistant [P.A.] program in 1984 at Creighton University, United States Army Allied Military School, in Fort Sam Houston, Texas. From 1984 through 1991, Mr. Ward served in the U.S. Army as a P.A.. Mr. Ward testified that he retired from the military in 1991. From 1991 through 1998, he worked as a P.A. in two family practice clinics in Texas. In 1997, he obtained a Bachelor of Science in Professional Arts from Saint Joseph's College in Standish, Maine. In 2002, he obtained his medical degree from the University of Health Sciences, School of Medicine, in Antigua, West Indies. From 2002 to 2005, Mr. Ward owned an investment company in Copley, Ohio. From 2005 to February 2011, Mr. Ward practiced as a P.A. for the U.S. Department of Justice, Federal Bureau of Prisons. (St. Ex. 2 at 19-20, 40, 43, 47-50; Hearing Transcript [Tr.] at 26-35, 41)
2. Mr. Ward was last licensed to practice as a P.A. in Ohio in 2001.¹ Prior to that, he held a license as a P.A. in Texas from 1994 through 2000 and in Washington from 1991 through 1992. He is currently not licensed to practice as a P.A. in any state. However, Mr. Ward testified that he is able to practice as a P.A. in the federal system because the federal system does not require a P.A. to have a state license. He stated that the federal system requires a P.A. to pass the NCCPA examination and be in good standing with the NCCPA. He is currently certified by the NCCPA. (St. Ex. 2 at 21-23, 27; Tr. at 27-28, 31)
3. Mr. Ward testified that he is currently on administrative leave from the Department of Defense. He explained that in January 2011, he was offered a position as a P.A. at a preventative medicine clinic in Louisiana; however, he was unable to get credentialed at the hospital affiliated with the clinic due to his prior Ohio Board action. (Tr. at 28-29)

Prior Disciplinary Actions

4. On February 13, 2002, the Board revoked Mr. Ward's certificate to practice as a P.A. in Ohio because he failed to comply with the terms of an April 11, 2001 Board Order [2001 Board Order] by failing to provide a copy of the 2001 Board Order to a hospital in which he participated in clinical rotations as a medical student. The 2001 Board Order had

¹ At the time Mr. Ward was first licensed as a P.A. in Ohio, the licensure requirements were essentially that an applicant be 18 years of age, have good moral character, and have passed the National Commission on Certification of Physician Assistants [NCCPA] examination. (St. Ex. 4; Tr. at 45)

granted his certificate to practice as a P.A. subject to certain terms, conditions, and limitations based upon the limitations placed on his Texas P.A. license by the Texas Board. Mr. Ward entered into an Agreed Order with the Texas Board in 2000 due, in part, to his personal use of Stadol. (St. Ex. 3)

5. Mr. Ward testified that he takes responsibility for his prior mistakes and for failing “to give information to the people that I was trained with.” In regard to the Texas Order, he stated that, at that time he used the Stadol for his migraines, it was a non-narcotic and that he quit taking all medications in 1997. Mr. Ward also provided a copy of negative lab results from a drug test he was required to take on February 18, 2011, for the Army. (Respondent’s Exhibit [Resp. Ex.] C; Tr. at 13, 18)

Application for Licensure

6. On April 16, 2010, Mr. Ward filed an application for a certificate to practice as a physician assistant in Ohio, which is currently pending. (St. Ex. 2)
7. Ms. Kay L. Rieve, the Board’s Administrator Officer, testified that in 2006, there was a “major revision to the [P.A.] licensure requirements * * * because of the addition of prescribing * * * so there were many changes to add the prescribing requirements, as well as upgrading the requirements for just the certificate to practice.” (St. Ex. 4, 5; Tr. at 52-53)
8. Ms. Rieve testified that under the current language of R.C. 4730.11, Mr. Ward does not meet the requirements for licensure. (St. Ex. 5; Tr. at 53) R.C. 4730.11 states in pertinent part:

(A) For an individual to be eligible to receive a certificate to practice as a physician assistant, all of the following must apply:

- (1) The applicant shall be at least eighteen years of age.
- (2) The applicant shall be of good moral character.
- (3) The applicant shall hold current certification by the national commission on certification of physician assistants [NCCPA] or a successor organization that is recognized by the state medical board.
- (4) Effective January 1, 2008, except as provided in division (B) of this section, the applicant shall meet one of the following educational requirements:

- (a) The applicant shall hold a master's or higher degree that was obtained from a program accredited by the accreditation review commission on education for the physician assistant [ARC PA] or a predecessor or successor organization recognized by the board.
- (b) The applicant shall hold a degree other than a master's or higher degree that was obtained from a program accredited by the ARC PA or a predecessor or successor organization recognized by the board and shall hold a master's or higher degree in a course of study with clinical relevance to the practice of physician assistants that was obtained from a program accredited by a regional or specialized and professional accrediting agency recognized by the council for higher education accreditation.

(B) It is not necessary for an applicant to hold a master's or higher degree as a condition of receiving a certificate to practice as a physician assistant if the applicant presents evidence satisfactory to the board of holding either of the following:

- (1) A current, valid license or other form of authority to practice as a physician assistant that was issued by another jurisdiction prior to January 1, 2008;
- (2) A degree, other than a master's or higher degree, that is obtained as a result of being enrolled on January 1, 2008, in a program in this state that was accredited by the ARC PA but did not grant a master's or higher degree to individuals enrolled in the program on that date, and completing the program on or before December 31, 2009.

(St. Ex. 5)

9. Ms. Rieve testified that Mr. Ward meets the first three requirements of R.C. 4730.11 (i.e., age, good moral character, and current certification from NCCPA). (Tr. at 55)
10. In regard to Paragraph (4)(a) of R.C. 4730.11, Ms. Rieve testified that Mr. Ward does meet this section because the P.A. program at Fort Sam Houston is "not technically ARC PA approved." (Tr. at 56)
11. In regard to Paragraph (4)(b) of R.C. 4730.11, Ms. Rieve testified that Mr. Ward does not meet this section because "the University of Health Sciences in Antigua * * * does not meet the accreditation tests" of either ARC PA or the Council for Higher Education Accreditation. (Tr. at 57)

Ms. Rieve testified that she conducted research through the Council for Higher Education Accreditation database and determined that the University of Health Sciences “did not appear on their database of accredited schools.” (St. Ex. 6; Tr. at 57-58, 64-65)

12. In regard to the “grandfather section” of R.C. 4730.11 located in Paragraph (B), Ms. Rieve testified that Mr. Ward does not meet this section because he did not hold a current license to practice in any state when he applied for a license in Ohio on April 16, 2010. (Tr. at 58-59, 67)

Mr. Ward’s Testimony

13. In regard to his P.A. program at Fort Sam Houston, he testified as follows:

The program I went through, the military programs are science bent programs; in other words, the full year of complete medical science is all that was, and to get into that program you had to have a Liberal Arts that equals to an Associate’s or whatever. That’s how they degreed the PAs back then. * * *

(Tr. at 61)

14. In regard to his medical school education, Mr. Ward testified that the University of Health Sciences has been in existence for 28 years and is accredited by the World Health Organization. He added that “[a]ny medical school overseas that’s authorized to take the USMLE is an accredited school to practice medicine in the United States.” (Tr. at 38-39)
15. After graduating from medical school, Mr. Ward testified that he did rotations through Akron General Hospital and Children’s Hospital in Cuyahoga Falls, Ohio. However, he testified that he did not pass Step I of the USMLE because he had had triple bypass surgery and he was still “too ill to take the boards.” (Tr. at 13)
16. Mr. Ward testified that he has been a P.A. for 25 years and been in medicine for over 40 years. (Tr. at 14) Mr. Ward has had a long and distinguished career in the military which included several honors and awards, including the Purple Heart. (St. Ex. 2 at 47-50; Tr. at 19)
17. Mr. Ward testified as to why he wants a certificate to practice as a physician assistant in Ohio:

* * * I’m here mostly to beg for mercy and to give me an opportunity to stay active, because I want to still give back my experience and understanding in medicine to younger PAs, and I believe I have a lot to offer.

(Tr. at 71)

FINDINGS OF FACT

1. On February 13, 2002, the Board revoked Mr. Ward's certificate to practice as a P.A. in Ohio because he failed to comply with the terms of an April 11, 2001 Board Order [2001 Board Order] by failing to provide a copy of the 2001 Board Order to a hospital in which he participated in clinical rotations as a medical student. The 2001 Board Order had granted his certificate to practice as a P.A. subject to certain terms, conditions, and limitations based upon the limitations placed on his Texas P.A. license by the Texas Board. Mr. Ward entered into an Agreed Order with the Texas Board in 2000 due, in part, to his personal use of Stadol.
2. On April 16, 2010, Jimmie Steve Ward, P.A., filed an application for a certificate to practice as a physician assistant in the State of Ohio. His application is currently pending.
3. Mr. Ward is more than eighteen years of age, of good moral character, and holds current certification by the NCCPA, as required by R.C. 4730.11.
4. Mr. Ward does not hold a master's degree or higher degree that was obtained from a program accredited by ARC PA or a predecessor or successor organization recognized by the Board, as required by R.C. 4730.11(A)(4)(a).
5. Mr. Ward does not hold a degree other than a master's or higher degree that was obtained from a program accredited by the ARC PA or a predecessor or successor organization recognized by the board and shall hold a master's or higher degree in a course of study with clinical relevance to the practice of physician assistants that was obtained from a program accredited by a regional or specialized and professional accrediting agency recognized by the council for higher education accreditation, as required by R.C. 4730.11(A)(4)(b).
6. Mr. Ward does not hold a current, valid license or other form of authority to practice as a P.A. that was issued by another jurisdiction prior to January 1, 2008, as required by R.C. 4730.11(B)(1).

CONCLUSION OF LAW

Jimmie S. Ward, P.A., does not qualify for a certificate to practice as a physician assistant in the State of Ohio because he does not meet the requirements set forth in R.C. 4730.11.

DISCUSSION REGARDING PROPOSED ORDER

This is a unique situation. Mr. Ward was previously granted a P.A. license by this Board in 2001, albeit with restrictions, under a former statute. In 2006, the P.A. licensure requirements changed and due to the new changes, Mr. Ward does not qualify for a P.A. certificate to practice. Mr. Ward did not present any evidence to contradict Ms. Rieve's testimony that his P.A. program at Fort Sam Houston was not accredited by ARC PA or that his medical school was not accredited by ARC PA or the Council for Higher Education Accreditation.

Unfortunately, Mr. Ward's 25 years of practical experience as a P.A. cannot be considered as a substitute for the requirements set forth in R.C. 4730.11. At this point, it appears that Mr. Ward's only option is to obtain a Master's degree from a program accredited by the ARC PA.

PROPOSED ORDER

It is hereby ORDERED that:

The application of Jimmie Steve Ward, P.A., for a certificate to practice as a physician assistant in the State of Ohio is DENIED.

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



Danielle R. Blue, Esq.
Hearing Examiner

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

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EXCERPT FROM THE DRAFT MINUTES OF JUNE 8, 2011

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Suppan announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings and Proposed Order appearing on its agenda.

Dr. Suppan asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: James L. Reinglass, M.D.; Van Edward Scott, M.D.; Jimmie Steve Ward, P.A.; and Anthony David Westgerdes. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Dr. Ramprasad	- aye

Dr. Suppan asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Dr. Ramprasad	- aye

Dr. Suppan noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further 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. However, the case of Jimmie Steve Ward, P.A., is non-disciplinary in nature and only concerns Mr. Ward's credentials for licensure. Therefore, Dr. Talmage may vote in that matter.

Dr. Suppan 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.

.....
JIMMIE STEVE WARD, P.A., Case No. 10-CRF-018
.....

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Jimmie Steve Ward, P.A. Mr. Hairston seconded the motion.

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- nay
	Dr. Stephens	- nay
	Dr. Mahajan	- nay
	Dr. Steinbergh	- nay
	Dr. Suppan	- nay
	Dr. Madia	- aye
	Dr. Ramprasad	- nay

The motion to amend did not carry. The Proposed Order was disapproved.

.....
Dr. Mahajan moved to adopt the following Order:

It is hereby ORDERED that:

The application of Jimmie S. Ward, P.A. for a certificate to practice as a physician assistant in the State of Ohio is GRANTED subject to the following permanent limitation and restriction.

Permanent Limitation/Restriction: The certificate of Jimmie S. Ward to practice as a physician assistant in the State of Ohio shall be permanently LIMITED and RESTRICTED as follows: he may practice only within employment by the United States Department of Defense or the Veterans Administration.

Dr. Mahajan further moved to adopt the Findings of Fact and Conclusions of Law from Ms. Blue's Report and Recommendation in the matter of Jimmie Steve Ward, P.A. Dr. Steinbergh seconded the motion.

.....
A vote was taken on Dr. Mahajan's motion to approve:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Suppan	- aye
	Dr. Madia	- nay
	Dr. Ramprasad	- aye

The motion to approve carried.



State Medical Board of Ohio

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

February 13, 2002

Jimmie Steve Ward, P.A.
2744 C Lochraven Blvd.
Copley, OH 44321

Dear Mr. Ward:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 13, 2002, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

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 a Notice of Appeal with the State Medical Board of Ohio and 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

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5147 1722
RETURN RECEIPT REQUESTED

Cc: Robert B. Trattner, Esq.
CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5147 1708
RETURN RECEIPT REQUESTED

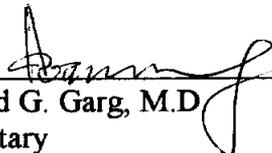
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CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 13, 2002, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Jimmie Steve Ward, P.A., 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.

(SEAL)



Anand G. Garg, M.D.
Secretary

February 13, 2002

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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*

JIMMIE STEVE WARD, P.A.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on February 13, 2002.

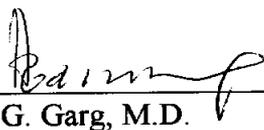
Upon the Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by 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:

The certificate of Jimmie Steve Ward, P.A., to practice as a physician assistant in the State of Ohio shall be REVOKED.

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

(SEAL)



Anand G. Garg, M.D.
Secretary

February 13, 2002

Date

2001 DEC 19 P 6:13

**REPORT AND RECOMMENDATION
IN THE MATTER OF JIMMIE STEVE WARD, P.A.**

The Matter of Jimmie Steve Ward, P.A., was heard by Sharon W. Murphy, Attorney Hearing Examiner for the State Medical Board of Ohio, on November 13, 2001.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated September 13, 2001, the State Medical Board of Ohio [Board] notified Jimmie Steve Ward, P.A., that it had proposed to take disciplinary action against his certificate to practice as a physician assistant in Ohio. The Board based its proposed action on the allegations that, on or about April 11, 2001, the Board had entered an Order granting Mr. Ward a certificate to practice as a physician assistant, subject to indefinite suspension and conditions for reinstatement. The Board further alleged that Mr. Ward had failed to comply with the terms of the Board Order, constituting a “[v]iolation of conditions placed by the board on a certificate of registration, physician assistant utilization plan, or supervision agreement,” as that clause is used in Section 4730.25(B)(20), Ohio Revised Code.” Accordingly, the Board advised Mr. Ward of his right to request a hearing in this matter. (State’s Exhibit 1B).
- B. On October 3, 2001, Robert B. Trattner, Esq., submitted a written hearing request on behalf of Mr. Ward. (State’s Exhibit 1C).

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Hanz R. Wasserburger, Assistant Attorney General.
- B. On behalf of the Respondent: Robert B. Trattner, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

- A. Presented by the State
1. Jimmie Steve Ward, P.A., as if on cross-examination
 2. William J. Schmidt

B. Presented by the Respondent

Jimmie Steve Ward, P.A.

II. Exhibits Examined

Presented by the State

1. State's Exhibit 1A: Copy of April 11, 2001, Order of the Board in the Matter of Jimmie Steve Ward, P.A., and attached documents.
2. State's Exhibits 1B through 1M: Procedural exhibits.
3. State's Exhibit 2: August 13, 2001, letter to the Board from Ted Zawadski, General Counsel, Robinson Memorial Hospital, Ravenna, Ohio.
4. State's Exhibit 3: Copy of a June 21, 2001, Acknowledgement of Review of Consent Agreement signed by Mr. Ward and Board staff members.
5. State's Exhibit 4: Certified copy of document stating that a certificate to practice as a physician assistant had been issued to Mr. Ward on April 11, 2001, and that the certificate had been placed on suspension for an indefinite period of time.
6. State's Exhibit 5: Joint Stipulations.
7. State's Exhibit 6: Copy of the April 11, 2001, Entry of Order in the Matter of Jimmie Steve Ward, P.A.

PROFFERED EXHIBITS

Proffer A: Respondent's Exhibit B. (See Procedural Matters, paragraph 3, below).

PROCEDURAL MATTERS

1. In a Joint Stipulation, the parties agreed that the State had made an error in its September 12, 2001, notice of opportunity for hearing, in that the allegations referred to a paragraph by the wrong number on one occasion. Mr. Ward acknowledged that he had not been prejudiced by the error, and stated that he was proceeding with the hearing freely and willingly. (See State's Exhibit 5).

2. After the close of the hearing, and upon review of the transcript, it became apparent to the Attorney Hearing Examiner that the court reporter's transcription of a taped conversation most likely contained errors. Accordingly, the Attorney Hearing Examiner initiated a telephone conference between counsel for the parties. At that time, counsel for the parties agreed that the Attorney Hearing Examiner could obtain a copy of the original taped conversation, review only the relevant portion of the tape, and correct any errors in the court reporter's transcription. The Attorney Hearing Examiner has done so. An errata sheet will be attached to the original hearing transcript to document the changes made by the Attorney Hearing Examiner. [By agreement of the parties, neither the original nor a copy of the audio tape has been admitted to the record.]
3. At hearing, the Respondent introduced documents from Robinson Memorial Hospital pertaining to the Respondent's experience at that institution. (Respondent's Exhibit B). The State objected to the exhibit being admitted. The State argued that the documents are not relevant to this matter because the documents refer to the year 2000, while the facts at issue occurred in 2001. The Respondent replied that he was offering the documents to rebut the use of a particular word in one of the State's exhibits. The Attorney Hearing Examiner agreed to admit the documents, so long as the Respondent submitted similar documents pertaining to the year 2001 within two weeks of the hearing date. The Respondent agreed to do so. (See the hearing transcript at pages 77-80).

As of the date of the filing of this Report and Recommendation, however, the Respondent has not submitted any supplemental documents. Accordingly, Respondent's Exhibit B is being proffered by the Attorney Hearing Examiner on behalf of the Respondent.

SUMMARY OF THE EVIDENCE

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

1. Jimmie Steve Ward, P.A., testified that he holds degrees in science, electronics, nursing, and physician assisting. Mr. Ward was initially certified as a physician assistant by the National Commission on Certification of Physician Assistants in January 1985, and was recertified in June 1996. (Hearing Transcript [Tr.] at 57; State's Exhibit [St. Ex.] 1A).

Mr. Ward entered the United States Army in 1967, and served for twenty-four years. Mr. Ward served as a combat medic in Viet Nam. Thereafter, based on his nursing and physician assisting degrees, Mr. Ward served as a physician extender. Mr. Ward was honorably discharged from the army in 1991, with a rank of Chief Warrant Officer. Mr. Ward testified that he had received, among other awards, a Bronze Star for Valor, a

Purple Heart, several good conduct medals, and several national defense medals.
(Tr. at 57-60).

After discharge from the service, Mr. Ward practiced for six years as a physician assistant in Texas. He stated that, in 1997, he had decided to enter medical school. Mr. Ward testified that he had had many years of medical experience, and felt that he would be able to give better service as a physician. Mr. Ward further testified that he entered the University of Health Sciences on Saint John's Island, West Indies, School of Medicine. Mr. Ward stated that the program was designed for physician assistants and nurse practitioners who would likely progress through the medical program more quickly. Mr. Ward stated that he hoped to complete his clinical rotations in January 2002.
(Tr. at 14, 57, 63-64).

Mr. Ward stated that he has no intention of practicing as a physician assistant in the State of Ohio. (Tr. at 14).

2. On January 27, 2000, Mr. Ward entered into an Agreed Order with the Texas State Board of Physician Assistant Examiners [Texas Board]. The Agreed Order set forth Findings of Fact, which included findings that Mr. Ward had used Stadol on a daily basis during 1996 and through September 1997; that there had been no written prescriptions for his Stadol use; and that his medical records did not document or justify the long term Stadol use. The Texas Board concluded that Mr. Ward had violated Texas law. (St. Ex. 1A).

The Texas Board ordered that Mr. Ward's Texas certificate be restricted for three years, subject to certain terms and conditions. The probationary terms and conditions required, among other things, that Mr. Ward abstain from consuming alcohol, dangerous drugs, or controlled substances unless prescribed by a physician for a legitimate and documented therapeutic purpose, that Mr. Ward be subject to drug and alcohol screening, and that Mr. Ward participate in Alcoholics Anonymous or a related program. (St. Ex. 1A).

3. During the course of the Texas hearing, Mr. Ward stated that he has suffered from migraine headaches since childhood. Mr. Ward further testified that for most of his life he has been taking some form of medication for the headaches, and that he had been using Stadol for that purpose. Mr. Ward also testified that his use of Stadol never affected the quality of his work as a physician assistant because he had used it only at night. (St. Ex. 1A).
4. On or about October 25, 1999, Mr. Ward applied for a certificate to practice as a physician assistant in Ohio. As a result, the Board held an adjudicatory hearing based on the Texas Board action. (St. Ex. 1A).

On April 11, 2001, the Board entered an Order, effective April 12, 2001, granting Mr. Ward a certificate to practice as a physician assistant, subject to indefinite suspension, with

conditions for reinstatement. Among the terms of its Order, the Board required the following:

Within thirty days of the effective date of this Order, Mr. Ward shall provide a copy of this Order 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, Mr. Ward shall provide a copy of this Order 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.

(St. Ex. 1A).

5. As part of his medical school curriculum, Mr. Ward participated in clinical rotations from January 30 through July 9, 2001, at Robinson Memorial Hospital. (Tr. at 14-15).
6. William J. Schmidt, Assistant Executive Director of the Board, testified at hearing on behalf of the State. Mr. Schmidt testified that, as part of his responsibilities for the Board, he performs contract reviews. Mr. Schmidt testified that, during a contract review, Mr. Schmidt and other Board staff meet with licensees who are subject to new consent agreements or Board Orders. Mr. Schmidt testified that the purpose of the meeting is to review the terms of the consent agreement or Board Order to assure that the licensee understands the terms. (Tr. at 41-43).
7. On June 21, 2001, Mr. Schmidt met with Mr. Ward for a contract review. Mr. Schmidt stated that, during that meeting, Mr. Ward advised him that he did not believe that the terms of the April 11, 2001, Board Order required him to present a copy of the Order to Robinson Memorial Hospital. (Tr. at 43)

Mr. Schmidt presented an audio taped recording of his June 21, 2001, meeting with Mr. Ward. A portion of the recording was played at hearing. The recording included the following:

Q. * * * Where do you work at now?

A. Actually, I'm not working. I'm just going to medical school, finishing medical school. And ah, I take my medical boards this, ah, in a couple more months, the USMLE I, the basic science. And then in January I'm leaving to go for a residency somewhere.

Q. Where do you do your medical school at?

A. I'm doing it in Akron.

Q. Have you given them a copy of this?

A. If you're getting to training, I'm trying to think whether it would apply there.

Q. Have you given them a copy?

A. I never gave them a copy of anything. I'm going to [unintelligible] with them, though.

Q. Let me see that again, make sure. I don't want to get you in trouble.

A. Well, I'm not in clinic or anything.

Q. What are you doing?

A. I'm just watching. I'm just rotating as a clinical. That's all. I don't write prescriptions; I don't prescribe or anything like that. So I'm not around anything that's particularly - - That only applies if I'm on a job or anything.

Q. It says if you're receiving training.

A. Well, that wasn't from the Texas one. It wasn't that way.

Q. No, but this one is. What I'm saying is, you'll need to give them a copy too.

A. I'm not going to give them a copy. It's not fair; I'm almost through with them already.

Q. I'm just telling you what's in here.

(Tr. at 51-53).

During the June 21, 2001, meeting with Mr. Schmidt, Mr. Ward signed a document acknowledging that he had met with representatives of the Board and had reviewed the terms of the April 11, 2001, Board Order. Mr. Ward further acknowledged that each term had been explained to him individually and that any questions had been answered. (Tr. at 32; St. Ex. 3).

8. Mr. Schmidt stated that, during a telephone conversation with Mr. Ward on June 26, 2001, Mr. Ward advised that he would not provide a copy of the April 11, 2001, Board Order to

the Robinson Memorial Hospital because he interpreted the Order to apply only to training as a physician assistant. Mr. Schmidt further stated that he had explained to Mr. Ward that the Board had included language referring to "health care services" to indicate that the language was to have a broad application, "much broader" than Mr. Ward's interpretation. (Tr. at 45-46).

9. By letter dated August 13, 2001, Ted Zawadski, General Counsel for Robinson Memorial Hospital, advised the Board as follows:

[Mr. Ward], a medical student at the Antigua School of Medicine, St. John's, Antigua, West India, participated in clinical training rotations at Robinson Memorial Hospital beginning in April 2000. He had clinical rotations in 2001 from January 30, 2001 through July 9, 2001.

He has never provided a copy of the Ohio State Medical Board Order dated April 11, 2001 to anyone at Robinson Memorial Hospital.

(St. Ex. 2).

10. Mr. Ward testified that he did not notify Robinson Memorial Hospital of the April 11, 2001, Board Order, in part, because the Order requires that he must provide a copy of the Order to "all * * * entities with which he * * * receives training." Mr. Ward testified that his medical school clinical rotations would not be considered "training," despite the following facts:

- The clinical rotations took place as part of his medical education;
- Mr. Ward "learned" during the clinical rotations;
- The word "training" encompasses a wide range of activities.

(Tr. at 14-26, 75).

Mr. Ward argued that training would be something that would improve his qualifications as a physician assistant, not something that would help him prepare for a new career in medicine. (Tr. at 17-24). Mr. Ward further stated that "training" is not a part of the curriculum of a medical school. He reasoned that medical students are not being trained; rather, medical students are "being familiarized with what they've learned as basic science" and are "being shown what to expect" throughout their medical careers. (Tr. at 17-24, 65-66).

Nevertheless, later in the hearing, Mr. Ward referred to his clinical rotations at Robinson Memorial Hospital as follows: "I was still in school and considered a student, and this is just part of that training or that education that I was getting." (Tr. at 65).

11. Mr. Ward further argued that he had not notified Robinson Memorial Hospital of the April 11, 2001, Board Order, in part, because he had felt that the Order applied to his

physician assistant license and would not apply to “an education that was completely the opposite” of that. (Tr. at 65).

12. Mr. Ward also argued that he had not notified Robinson Memorial Hospital of the April 11, 2001, Board Order, in part, because he had reasoned that, since he had not “accepted” the physician assistant certificate, Ohio could not require him to tell anyone about the Order. (Tr. at 70).

Nevertheless, Mr. Schmidt testified that Mr. Ward holds a physician assistant certificate, despite the fact that the certificate was suspended by operation of the April 11, 2001, Board Order. Mr. Schmidt further stated that Mr. Ward has the ability to reinstate that certificate if he complies with the terms of the Order, but that Mr. Ward had not done so at the time of the hearing. (Tr. at 54).

13. Finally, Mr. Ward argued that he had not notified Robinson Memorial Hospital of the April 11, 2001, Board Order, in part, because he had met with Mr. Schmidt on June 21, 2001, and that Mr. Schmidt had told him “out in the hallway” that Mr. Schmidt would send Mr. Ward some documents allowing Mr. Ward to relinquish or surrender his physician assistant certificate. Mr. Ward also testified that that Mr. Schmidt had advised him that, since he was surrendering his certificate, he did not have to inform Robinson Memorial Hospital at that time. (Tr. at 34-35). Mr. Ward further stated, however, that he had received the surrender documents from Mr. Schmidt, but that he had decided not to sign them. (Tr. at 35-36).
14. Mr. Ward stated that he had felt it was very unfair for the Board to demand that he notify Robinson Memorial Hospital because:

[I]t does put a blemish on you – when you are not guilty of anything but existence. And things that was construed back four years ago and was never proven was taken so seriously in the State of Ohio. It was amazing that my license was suspended [in Ohio] when they were never touched in Texas.”

(Tr. at 70-71). On further cross-examination, however, Mr. Ward acknowledged that his physician assistant license had been disciplined in Texas. (Tr. at 71-72).

Mr. Ward testified that he believes that the Board should “take the individual as they are and look at the circumstances behind those orders. If that particular paragraph - - or that particular word - - doesn’t fit this particular person - - and obviously it don’t in my case, because I’m not doing anything that would affect anybody except finishing my education - - that each case should be taken individually.” When asked if he didn’t believe that his receiving a medical education could potentially affect people, Mr. Ward answered, “It doesn’t affect anybody but myself.” (Tr. at 73).

15. Mr. Ward stated that, during his June 26, 2001, conversation with Mr. Schmidt, he had told Mr. Schmidt that he would not be sending a copy of the April 11, 2001, Board Order to Robinson Memorial Hospital because “[he] didn’t think it was necessary, that it did not apply to what [he] was doing, and [he] didn’t feel it was correct.” (Tr. at 36).

When asked if anything in the April 11, 2001, Board Order suggested that Mr. Ward had discretion to decide which terms were correct and necessary, Mr. Ward refused to answer. When asked why he refused to answer, Mr. Ward stated as follows:

Because I just don’t feel - - I voiced my opinion numerous times to this Board up here about this particular statement, and they know how I felt about it. They know that I’m not here to practice as a physician assistant. I’ve offered several times to relinquish the license. I didn’t even want to apply initially; but yet this particular thing came out, and this is hindering the progression of my education for no reason at all.

And that’s why - - I just can’t - - You know, there’s a famous man that said, ‘if you don’t fight for your rights, you might as well die.’ That’s Martin Luther King.

I feel this is my right to disagree with something like this. It’s incorrect and wrong. I’m just trying to get education and trying to do what I have to do to make it in this world; but yet an arbitrary Order comes out like this that really has nothing to do with what I’m doing in Ohio at all. Nothing. It has nothing to do with that at all.

It has interfered with my education because you published what you published before we finished what we were doing. I was relieved of my rotation at Robinson and had to go out and get rotations in other areas.

I’m going to finish my education one way or the other, but this was just so unfair. It’s just it was very difficult for me to accept that.

And nobody ever sat down with me and tried to tell me what you just said about the Order and my personal opinion or my take on what’s going on with this Order. I may have been more - - more open to it if it if somebody had of; but it was just flat out, you know, that or else.

I’m really sorry for this event. I really am. I’m just here to go through my curriculum, as the school advised me to do; and that was it. That’s all. So that’s why it’s hard for me to answer something like this.

(Tr. at 36-38).

16. Mr. Ward stated that Robinson Memorial Hospital discovered that the Board had taken disciplinary action against him when the Board released an issue of "Your Report" in approximately July 2001. Mr. Ward stated that, because he had not advised the hospital of the Board's action, the hospital asked him to leave upon completing the cardiology rotation in which he was then participating. Mr. Ward found other hospitals at which he was allowed to continue his rotations. (Tr. at 33-34, 69-70).
17. When it was explained to Mr. Ward that the Board has limited options when trying to regulate a licensee who refuses to comply with monitoring terms and conditions, and that the limited options available include revocation, Mr. Ward stated that, if the Board chose to impose additional probationary conditions, he would comply with the conditions. Mr. Ward further stated as follows:

At this point, I would obey the order. Again, there was no intention, criminally or otherwise, to disobey an order. It's just - - It was just astonishing that it was there, and it would apply to something at this level. To me, it didn't have anything to do with what I was doing.

After 24 years in the armed forces as a disciplined soldier who followed orders for 24 years, who done what he was told and done an excellent job, as the record shows, I would do what the Board would ask of me.

* * *

Even if I did not agree with it, because I understand at this point that my personal belief in things may not be - - may be something I need to correct in this sense.

Sometimes it takes something more to make people realize that they just can't hold onto certain beliefs all the time, that they sometimes have to be honorable and bow to the wishes of others even if they think it's wrong.

If it was wrong to the extent that it was immoral or whatever, I would really fight it. Other than that, I understand your position in this and what you have to do at this particular point to correct my misgivings in this situation.

(Tr. at 84-85).

FINDINGS OF FACT

1. On April 11, 2001, the Board entered an Order, effective April 12, 2001, granting Jimmie Steve Ward, P.A., a certificate to practice as a physician assistant, subject to indefinite suspension, with conditions for reinstatement. In addition, Paragraph (E) of the Order is entitled "Required Reporting by Licensee to Employers and Hospitals and provides as follows:

Within thirty days of the effective date of this Order, Mr. Ward shall provide a copy of this Order 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, Mr. Ward shall provide a copy of this Order to all employers or entities with which he contracts to provide health services, or applies for or receives training, and the Chief of Staff of each hospital where he applies for or obtains privileges or appointments.

2. Mr. Ward failed to comply with the terms of the April 11, 2001, Board Order by failing to provide a copy of the Order to Robinson Memorial Hospital where he was receiving training.

CONCLUSIONS OF LAW

The conduct of Jimmie Steve Ward, P.A., as described in the Findings of Fact, constitutes "[v]iolation of conditions placed by the board on a certificate of registration, physician assistant utilization plan, or supervision agreement," as that clause is used in Section 4730.25(B)(20), Ohio Revised Code.

* * * * *

The evidence presented at hearing amply demonstrates that Mr. Ward fails to appreciate the seriousness of the action taken against his certificate to practice as a physician assistant by the Texas State Board of Physician Assistant Examiners [Texas Board]. The evidence also demonstrates Mr. Ward's failure to appreciate the significance of his conduct in Texas and in failing to comply with the April 11, 2001, Board Order. Finally, the evidence demonstrates Mr. Ward's failure to appreciate the responsibility of a state medical board to protect the public from harm.

Nothing demonstrates Mr. Ward's failure to appreciate the seriousness of the action taken by the Texas Board better than one of Mr. Ward's reasons for failing to notify Robinson Memorial Hospital of the April 11, 2001, Board Order. Mr. Ward stated:

[The Board Order] does put a blemish on you – when you are not guilty of anything but existence. And things that was construed back four years ago and was never

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proven was taken so seriously in the State of Ohio. It was amazing that my license was suspended [in Ohio] when they were never touched in Texas.

Mr. Ward implies that the Texas Board did not discipline his certificate in that state, despite the Texas Board Agreed Order's restricting Mr. Ward's certificate for three years, and imposing probationary terms and conditions. These probationary terms and conditions required, among other things, that Mr. Ward abstain from alcohol and dangerous drugs, that Mr. Ward be subject to drug and alcohol screening, and that Mr. Ward participate in Alcoholics Anonymous related program. These terms represent a significant limitation on Mr. Ward's certificate to practice in that state.

Mr. Ward also fails to appreciate the significance of his conduct and the responsibility of a state medical board to protect the public from harm. The Texas Board Agreed Order set forth Findings of Fact, which included findings that Mr. Ward had used Stadol on a daily basis during 1996 and 1997; that there had been no written prescriptions for his Stadol use; and that his medical records did not document or justify the long term Stadol use. These findings raise the possibility that significant harm to the public may occur and necessitate that a regulating agency take steps to prevent such harm from occurring.

The April 11, 2001, Board Order granted Mr. Ward a certificate to practice as a physician assistant in this state despite this history. Nevertheless, the Order required, among other things, that Mr. Ward provide a copy of the Order "to all employers or entities with which he is under contract to provide health care services or is receiving training." By requiring Mr. Ward to advise all entities from whom he is receiving training that he is the subject of a Board Order, the Board was attempting to fulfill its obligation to assure that no health care consumer in Ohio is harmed as a result of the Board's choosing to grant a certificate to an applicant with Mr. Ward's background.

Nevertheless, Mr. Ward insisted that the terms of the April 11, 2001, Board Order do not "fit" his situation. Mr. Ward contended that his conduct does not involve anyone but himself and that his medical education could not potentially affect anyone but himself. He contended that this whole affair is "hindering the progression of [his] education for no reason at all." With such statements, Mr. Ward demonstrates his failure to understand that a certificate to practice as a physician assistant is a privilege, and the decision to grant such a license requires a balancing of interests. Mr. Ward clearly fails to comprehend that his interests are not the only interests at stake in this matter. His quibbling over the meaning of the word "training" further supports this conclusion.

Finally, Mr. Ward fails to respect the authority of the Board. Mr. Ward insisted that the April 11, 2001, Board Order did not require him to present a copy of the Order to Robinson Memorial Hospital, despite the fact that William J. Schmidt, Assistant Executive Director of the Board, had advised Mr. Ward on two occasions that the Order did require it. Moreover, Mr. Ward was not completely truthful when discussing these issues under oath. Mr. Ward stated he had offered "several times" to surrender his certificate. Yet, when questioned about this, Mr. Ward admitted that he had refused to sign the surrender documents when they were sent to

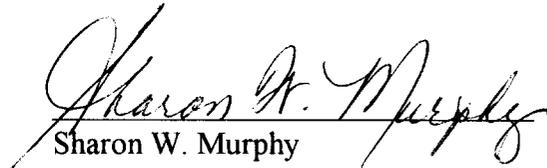
him by Mr. Schmidt. All of these factors lead to a conclusion that Mr. Ward is not amenable to any meaningful regulatory relationship with the Board.

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Jimmie Steve Ward, P.A., to practice as a physician assistant in the State of Ohio shall be PERMANENTLY REVOKED.

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


Sharon W. Murphy
Attorney Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF FEBRUARY 13, 2002

REPORTS AND RECOMMENDATIONS

Dr. Somani announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Somani asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matter of John A. Campa, III, M.D.; Khozema Campwala, M.D.; Dannie K. Gipe, Jr., M.D.; Lonnie Marsh, II, M.D.; Arturo Portales, D.O.; Susan M. Stone, M.D.; Stephen J. Sveda, M.D.; Philip G. Wagman, M.D.; and Jimmie Steve Ward, P.A. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- aye
	Dr. Somani	- aye

Dr. Somani asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- aye
	Dr. Somani	- aye

Dr. Somani noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Dr. Somani stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....

JIMMIE STEVE WARD, P.A.

Dr. Somani directed the Board’s attention to the matter of Jimmie Steve Ward, P.A. He advised that no objections were filed to Hearing Examiner Murphy’s Report and Recommendation.

DR. STIENECKER MOVED TO APPROVE AND CONFIRM MS. MURPHY’S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JIMMIE STEVE WARD, P.A. DR. BHATI SECONDED THE MOTION.

Dr. Stienecker stated that, basically, he agrees with the process the Hearing Examiner went through to get the information before the Board. However, in view of the fact that Mr. Ward is trying to come back in a different manner from what he was doing in Texas as a P.A., and the fact that he’s making an effort to better himself, even though he hasn’t quite taken care of everything he should have, Dr. Stienecker stated that he would like to amend the Proposed Order to remove the word “permanent.” A non-permanent revocation gives Mr. Ward the chance to get his license back if, in fact, his attempts to get an M.D. degree suffer. Dr. Stienecker stated that he hates to stop Mr. Ward when he’s trying to do better than what he was doing.

DR. STIENECKER MOVED TO REMOVE THE WORD “PERMANENT” FROM THE PROPOSED ORDER IN THE MATTER OF JIMMIE STEVE WARD, P.A. MR. BROWNING SECONDED THE MOTION. A vote was taken:

- | | | |
|-------|--------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - aye |
| | Dr. Bhati | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |

Dr. Stienecker	- aye
Dr. Garg	- abstain
Dr. Somani	- aye

The motion carried.

DR. BHATI MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF JIMMIE STEVE WARD, P.A. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- abstain
	Dr. Somani	- aye

The motion carried.



State Medical Board of Ohio

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September 12, 2001

Jimmie S. Ward, P.A.
2744 C Lochraven Boulevard
Copley, Ohio 44321

Dear Mr. Ward:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, or suspend your certificate of registration as a physician assistant, refuse to issue or reinstate your certificate, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about April 11, 2001, the State Medical Board of Ohio (hereinafter the "Board") entered an Order, effective April 12, 2001, granting you a certificate to practice as a physician assistant, subject to indefinite suspension, with conditions for reinstatement. As of this date, you have not applied for reinstatement. A copy of the above Board Order is attached hereto and incorporated herein.
- (2) You have failed to comply with the terms of the above Board Order as follows:

Paragraph (E) of the above Board Order entitled "Required Reporting by Licensee to Employers and Hospitals" provides "[w]ithin thirty days of the effective date of this Order, Mr. Ward shall provide a copy of this Order 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, Mr. Ward shall provide a copy of this Order to all employers or entities with which he contracts to provide health services, or applies for or receives training, and the Chief of Staff of each hospital where he applies for or obtains privileges or appointments.

On or about April 12, 2001, the effective date of the above Board Order, and continuing through at least July 9, 2001, you were receiving training at Robinson Memorial Hospital, Ravenna, Ohio, on clinical rotations as part of your final year

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of study for the University of Health Sciences Antigua School of Medicine, St. John's Antigua, West Indies.

You failed to provide a copy of the above Order to Robinson Memorial Hospital, Ravenna, Ohio, within thirty days of the effective date, April 12, 2001, of that Order .

Further, on or about June 21, 2001, at your contract review of the above Order in the Board offices, and again by telephone, on or about June 26, 2001, you informed Board staff that you would not provide a copy of the above Board Order to Robinson Memorial Hospital, Ravenna, Ohio.

Your acts, conduct, and/or omissions, as alleged in paragraph one (1) above, individually and/or collectively, constitute "[v]iolation of conditions placed by the board on a certificate of registration, physician assistant utilization plan, or supervision agreement;" as that clause is used in Section 4730.25(B)(20), 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 (30) 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 (30) 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 or suspend your certificate of registration as a physician assistant, refuse to issue or reinstate your certificate or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4730.25(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate of registration as a physician assistant to an applicant, revokes an individual's certificate of registration, refuses to issue a certificate of registration, or refuses to reinstate an individual's certificate of registration, 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 of registration as a physician assistant and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Jimmie S. Ward, P.A.

Page 3

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Anand G. Garg".

Anand G. Garg, M.D.
Secretary

AGG/jag
Enclosures

CERTIFIED MAIL #7000 0600 0024 5147 8783
RETURN RECEIPT REQUESTED

Robert B. Trattner, Esq.
Roetzel & Andress, L.P.A.
222 South Main Street
Akron, Ohio 44308

CERTIFIED MAIL # 7000 0600 0024 5147 8776
RETURN RECEIPT REQUESTED



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

April 11, 2001

Jimmie Steve Ward, P.A.
2744C Lochraven Blvd.
Copley, OH 44321

Dear Mr. Ward:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on April 11, 2001, 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 a Notice of Appeal with the State Medical Board of Ohio and 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

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 7000 0600 0022 4402 7921
RETURN RECEIPT REQUESTED

Mailed 4-12-01

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on April 11, 2001, 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 Jimmie Steve Ward, P.A., 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.

(SEAL)



Anand G. Garg, M.D.
Secretary

APRIL 11, 2001

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

JIMMIE STEVE WARD, P.A.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on April 11, 2001.

Upon the Report and Recommendation of R. Gregory Porter, 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. **APPLICATION GRANTED:** The application of Jimmie Steve Ward, P.A., for a certificate to practice as a physician assistant in the State of Ohio is hereby GRANTED, on the condition that he otherwise meets all statutory and regulatory requirements.
- B. **SUSPENSION OF CERTIFICATE:** The certificate of Mr. Ward to practice as a physician assistant in the State of Ohio shall be SUSPENDED for an indefinite period of time.
- C. **CONDITIONS FOR REINSTATEMENT:** The Board shall not consider reinstatement of Mr. Ward's certificate to practice as a physician assistant unless all of the following conditions are met:
 - 1. **Application and Fees:** Mr. Ward shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - 2. **Reports of Chemical Dependency Evaluation:** Mr. Ward shall submit two written reports indicating that, no more than

sixty days prior to submitting his completed application for reinstatement, Mr. Ward had been evaluated for chemical dependency, at which time Mr. Ward's ability to practice as a physician assistant was assessed and he was found capable of practicing as a physician assistant according to acceptable and prevailing standards of care. The evaluations shall be conducted by two physicians approved in advance by the Board. Such physicians must specialize in the treatment of chemical dependency. The evaluations shall be at the expense of Mr. Ward. Mr. Ward shall provide the evaluators with a copy of this Order and any other information that the Board deems appropriate to the evaluators. Mr. Ward shall authorize release of the evaluators' reports to the Board and shall ensure that the Board is provided with a copy of each report. Each report shall describe the bases for the evaluator's determination and shall include a detailed recommended plan of any treatment, counseling, and/or aftercare that may be required for Mr. Ward. Each report shall also include any conditions, restrictions, or limitations that should be imposed on Mr. Ward's certificate.

3. **Releases:** Mr. Ward 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 Mr. Ward's chemical dependency, psychiatric conditions, 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. 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. Mr. Ward 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.
4. **Consent Agreement; Hearing if Agreement Cannot be Reached:** In the event that the Board determines, based upon the reports of evaluations as set forth in Paragraph C.2. of this Order, that Mr. Ward's ability to practice as a physician assistant is impaired due to chemical dependency, then Mr. Ward shall enter into a written Consent Agreement which may include as determined by the Board, additional reinstatement requirements,

and/or probationary terms, conditions, and limitations for a minimum period as determined by the Board. If the Board and Mr. Ward are unable to agree to the terms of a written Consent Agreement, then Mr. Ward shall abide by any terms, conditions, and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

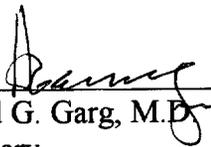
Further, in the event that the Board determines, based upon the reports of evaluations as set forth in Paragraph C.2., that Mr. Ward's ability to practice as a physician assistant is impaired due to chemical dependency, then upon reinstatement of Mr. Ward's certificate the Board shall require continued 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 following a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

- D. **ABSENCE FROM PRACTICE:** In the event that Mr. Ward's certificate to practice as a physician assistant has been suspended or in an inactive state for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4730.28, Ohio Revised Code, to require additional evidence of his fitness to resume practice.
- E. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, Mr. Ward shall provide a copy of this Order 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, Mr. Ward shall provide a copy of this Order 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.
- F. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, Mr. Ward shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Mr. Ward shall also provide a copy of this Order 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 or restoration of any professional license. Further,

Mr. Ward shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

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

(SEAL)



Anand G. Garg, M.D.
Secretary

APRIL 11, 2001
Date

2001 MAR 16 A 9:29

**REPORT AND RECOMMENDATION
IN THE MATTER OF JIMMIE STEVE WARD, P.A.**

The Matter of Jimmie Steve Ward, P.A., was heard by R. Gregory Porter, Attorney Hearing Examiner for the State Medical Board of Ohio, on February 12, 2001.

INTRODUCTION

I. Basis for Hearing

A. By letter dated December 13, 2000, the State Medical Board of Ohio [Board] notified Jimmie Steve Ward, P.A., that it had proposed to take disciplinary action against or to refuse to issue or reinstate his certificate of registration as a physician assistant based on the following allegations:

“(1) On or about October 25, 1999, [Mr. Ward] filed an application for a certificate of registration as a physician assistant [Application] with the [Board]. That Application remains pending.

“(2) On or about December 3, 1999, [Mr. Ward] signed an Agreed Order with the Texas State Board of Physician Assistant Examiners [Texas Board], effective on January 27, 2000, which restricted [his] license subject to terms and conditions for three (3) years. * * *

“[Mr. Ward] consented to the Findings of Fact contained in the Texas Board Order. Those findings include that [Mr. Ward had] used Stadol on a daily basis during 1996 and through September 1997, that there were no written prescriptions for [his] personal use of Stadol, and that [his] medical records did not document or justify [his] long-term use of Stadol.

“[Mr. Ward] also consented to the Conclusions of Law in which the Texas Board concluded that [he] had violated Section 18(5) of the Act which authorizes the Texas Board to take disciplinary action against [him] based upon [his] habitual use of drugs or intoxicating liquors.”

The Board alleged that the acts, conduct, and/or omissions, as stated in paragraph (2), individually and/or collectively, constitute “[a]ny of the following actions

taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,' as that clause is used in Section 4730.25(B)(18), Ohio Revised Code."

Accordingly, the Board advised Mr. Ward of his right to request a hearing in this matter. (State's Exhibit 1A)

- B. By document received by the Board on December 29, 2000, Mr. Ward requested a hearing. (State's Exhibit 1C)

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Hanz R. Wasserburger, Assistant Attorney General.
- B. On behalf of the Respondent: Mr. Ward, having been apprised of his right to be represented by an attorney, appeared on his own behalf.

EVIDENCE EXAMINED

I. Testimony Heard

- A. Presented by the State

The State presented no witnesses
- B. Presented by the Respondent

Jimmie S. Ward, P.A.

II. Exhibits Examined

- A. Presented by the State
 - 1. State's Exhibits 1A through 1F: Procedural exhibits.
 - 2. State's Exhibit 2: Certified copies of documents from the Texas State Board of Medical Examiners concerning Mr. Ward.

STATE BOARD OF
PHYSICIAN ASSISTANT EXAMINERS
1000 W. 14th Ave., Suite 100
Fort Worth, Texas 76102
Phone: 817.799.2100
Fax: 817.799.2101
www.texasboardofpa.com

B. Presented by the Respondent

Respondent's Exhibit A: Collection of documents presented by Mr. Ward in his defense, consisting of copies of the following: the Board's December 13, 2000, notice of opportunity for hearing; Mr. Ward's resume; a prayer authored by Mr. Ward; documents concerning Mr. Ward's military service; certificates from the National Commission on Certification of Physician Assistants and the American Academy of Physician Assistants; Mr. Ward's diploma from St. Joseph's College, Standish, Maine; and documents concerning Mr. Ward's medical education at the University of Health Sciences Antigua School of Medicine, St. John's, Antigua, West Indies.

SUMMARY OF THE EVIDENCE

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

1. Jimmie Steve Ward, P.A., was initially certified as a physician assistant by the National Commission on Certification of Physician Assistants in January 1985, and was recertified in June 1996. Mr. Ward worked as a physician assistant for Dale Crawford Allison, M.D., in Waco, Texas, from August 1992 through April 1998. Prior to that time, Mr. Ward had served for 24 years in the United States Army as a medical corpsman, clinical specialist, and physician assistant. In addition, Mr. Ward obtained a Bachelor of Science in Professional Arts from Saint Joseph's College, Standish, Maine, in May 1997. (Respondent's Exhibit [Resp. Ex.] A)

Mr. Ward is currently studying medicine at the University of Health Sciences Antigua School of Medicine, St. John's, Antigua, West Indies. Mr. Ward is in his final year of study and is obtaining clinical rotations at Robinson Memorial Hospital, Ravenna, Ohio. Mr. Ward testified that had he applied for a certificate to practice as a physician assistant in Ohio because, when he moved to Ohio to do his medical school rotations, he had considered working part-time as a physician assistant. Mr. Ward's application remains pending. (State's Exhibit [St. Ex.] 1A; Resp. Ex. A; Hearing Transcript [Tr.] at 13-14, 22)

2. On or about January 27, 2000, Mr. Ward entered into an Agreed Order with the Texas State Board of Physician Assistant Examiners [Texas Board]. The Agreed Order includes the following Findings of Fact:
 - Mr. Ward had practiced as a physician assistant in Texas for approximately five years.
 - Mr. Ward was attending medical school at University of Health Sciences Antigua School of Medicine.

STATE OF TEXAS
BOARD OF MEDICAL EXAMINERS
JIMMIE STEVE WARD

- During the time period relevant to the Agreed Order Mr. Ward had been employed by Hillcrest Clinic, Waco, Texas, and supervised by Dr. Dale Crawford Allison.
- “Respondent used Stadol on a daily basis during 1996 and through September 1997.”
- “There were no written prescriptions for Respondent’s personal use of Stadol and Respondent’s medical records did not document or justify Respondent’s long-term use of Stadol.”
- “In 1997, Stadol was reclassified as a controlled substance. Previously Stadol was listed as a dangerous drug.”

(St. Ex. 2 at 1-2)

Based on the Findings of Fact, the Texas Board concluded that Mr. Ward had violated “Section 18(5) of the Act which authorizes the [Texas] Board to take disciplinary action against [Mr. Ward] based on his habitual use of drugs or intoxicating liquors.” (St. Ex. 2 at 2)

The Texas Board ordered that Mr. Ward’s Texas certificate be restricted for three years, subject to certain terms and conditions, including the following:

- Mr. Ward shall abstain from consuming alcohol, dangerous drugs, or controlled substances unless prescribed by a physician for a legitimate and documented therapeutic purpose.
- Mr. Ward shall be subject to drug and alcohol screening at the request of the Texas Board and pay the costs of such screening.
- Mr. Ward shall participate in Alcoholics Anonymous [AA], Narcotics Anonymous [NA], or similar program, not less than three times per week.
- Mr. Ward, in his capacity as a physician assistant, shall not order by telephone any prescriptions or refills for prescriptions for controlled substances or dangerous drugs with addictive potential or abuse potential, or permit anyone under his supervision to do likewise.

(St. Ex. 2 at 2-4)

3. Mr. Ward stated that he has suffered from migraine headaches since childhood. Mr. Ward further testified that for most of his life he has been on some form of medication for that problem. Mr. Ward stated that while he was working in Waco, Texas, he was treated with several medications: Nortriptyline, Imitrex, Midrin, and Stadol.

Moreover, Mr. Ward stated that he used Midrin and Imitrex when needed, that he used Nortriptyline daily, and that he used Stadol “most every day.” Mr. Ward stated that his headaches usually come at night, that he wakes up early in the morning with them, and that Stadol and Nortriptyline controlled them well. (Tr. at 14-15)

Mr. Ward testified that Stadol is “a very short-lived opiate.” Mr. Ward further testified that he did not use Stadol to get high. In addition, Mr. Ward testified that he was under the care of physicians, including a neurologist, while he was using the drug. Moreover, Mr. Ward testified that he never used Stadol during the daytime, only at night, and usually around midnight or 1:00 a.m. Finally, Mr. Ward testified that his use of Stadol never affected the quality of his work as a physician assistant because he only used it at night. (Tr. at 14-15, 43-45)

Mr. Ward testified that he took Stadol to treat chronic pain. Mr. Ward testified that it was an appropriate drug for his condition, that it worked well for him, and that it was less dangerous than “Tylenol which harms the liver and aspirin which lowers the hematocrit and affects the platelets[.]” (Tr. at 23-24)

Mr. Ward testified that he makes “no apologies for being ill and taking medicines that did what they did.” He further testified that Stadol allowed him to lead a more normal life than he could have otherwise, in the same way that Prozac allows a depressed patient to lead a more normal life. (Tr. at 18-19)

4. Mr. Ward testified that approximately October 1997 he received a call from the Texas Board. Mr. Ward testified that the Texas Board told him, ““We know that you’re taking Stadol and we think it’s something you shouldn’t be taking while you’re in medical practice. You need to stop taking it.”” Mr. Ward testified that “at that particular time, I didn’t particularly care for anybody interfering with my personal life, and also with my personal care, and I told them that, which I probably shouldn’t have done, because it aggravated the whole thing.” (Tr. at 15-16)

Mr. Ward testified that, by the end of 1997, he had left practicing as a physician assistant to attend medical school in the West Indies. Mr. Ward testified that when he left for medical school he hired an attorney in Austin, Texas, to forestall action by the Texas Board while he completed his first two years of medical school. Mr. Ward stated that, during that time period, he received numerous documents but that he never read them until September 1999. At that time, Mr. Ward received a call from his attorney who informed him that the Texas Board wanted to see him in October 1999. Mr. Ward testified that his attorney encouraged him to review the documentation that Mr. Ward had been receiving. (Tr. at 15-17)

Mr. Ward testified that when he reviewed the documentation from the Texas Board he was “floored.” Mr. Ward testified that many of the accusations were inaccurate.

Case No. 12-00000-00000
Jimmie Steve Ward, P.A.
12-00000-00000

Mr. Ward further testified that, when he and his attorney met with the Texas Board, they were able to convince the Texas Board to drop many of the accusations. (Tr. at 17-18)

5. Mr. Ward testified concerning Findings of Fact number 8 of the Agreed Order, which stated, "There were no written prescriptions for [Mr. Ward's] personal use of Stadol and [Mr. Ward's] medical records did not document or justify [his] long-term use of Stadol." Mr. Ward testified that Stadol had been prescribed for him by his physician. Mr. Ward further testified that a nurse had called in the prescriptions for Stadol to a pharmacy on the order of Mr. Ward's physician and supervisor, Dr. Allison. (St. Ex. 2 at 2; Tr. at 25-27)

Mr. Ward testified that he signed the Agreed Order, and that he had agreed "with what they did as a punishment." Nevertheless, Mr. Ward testified that he did not agree with Findings of Fact 8, "[b]ut at that time [he] saw no reason to pursue the matter." Mr. Ward further stated that the Texas Board did not have complete information concerning his use of Stadol, such as the involvement of a neurologist in Mr. Ward's treatment. Moreover, Mr. Ward testified that he brought this information to the attention of the Texas Board, but they did not alter the Findings of Fact. Mr. Ward testified that he signed the Agreed Order anyway because of his circumstances at that time: "I was in school. I was rushed to get out. I was rushed to move here to Ohio to start clerkships. * * * I just didn't see where this would interfere with anything." Mr. Ward testified that he should have fought the Texas Board more zealously, and that he probably would have prevailed had he done so, but that at the time it did not seem to be worth the time and effort. (Tr. at 26-30, 38-39)

6. Mr. Ward testified that the physician who worked for the Texas Board had told him at the time Mr. Ward entered into the Agreed Order that "[t]his was the lightest sentence we've ever given anybody in the State of Texas." Mr. Ward further testified that the Texas Board physician told him that the Texas Board "didn't find a whole lot wrong here." (Tr. at 21-22)
7. Mr. Ward stated that, because he is no longer in Texas or practicing as a physician assistant, he has not followed the requirements of the Agreed Order. Mr. Ward further testified that, after recently consulting with his attorney and communicating with the Texas Board, the Texas Board informed Mr. Ward that there is no need for him to make personal appearances before the Texas Board. (Tr. at 26-30, 38-39)
8. Mr. Ward testified that he resented the fact that the State of Texas interfered with his personal life concerning his use of Stadol. Mr. Ward further testified:

If I was a hypertensive patient, if I was a diabetic, you would have no qualms in me using my medicines. Just because I have chronic migraine headaches that can really incapacitate me sometimes, I'm crucified or put

on the cross because I have to use the medicines like Stadol or Midrin or Nortriptyline, which is just as dangerous as Stadol, probably more so.

(Tr. at 32-33)

Mr. Ward testified that, at the time he became aware of the Texas Board's action against him, he informed Dr. Allison and asked Dr. Allison if he should stop using his medication. Mr. Ward testified that Dr. Allison replied, "No. If they work for you, take them, because that's why we're giving them to you to control your pain. And you seem to be doing well. There's no problem taking these medications." (Tr. at 34-35)

Mr. Ward testified that he had not asked Dr. Allison to testify on his behalf in the Texas Board action because Dr. Allison "had enough problems of his own. I don't think he could have helped me." Mr. Ward testified that Dr. Allison was having problems with the Texas State Board of Medical Examiners other than the situation with Mr. Ward. Mr. Ward further stated "I didn't want him to have to explain himself. I didn't say anything about Crawford Allison during the Texas Board meeting because I didn't want to contradict what he was going through himself. * * * [Moreover, b]ecause I didn't agree with some things he had told me, * * * I just wanted to separate myself out." (Tr. at 35-37)

9. Mr. Ward testified that in his seven years of practice as a physician assistant he never had a patient complaint. Mr. Ward testified that the complaint that had been made against him with the Texas Board had not been made by a patient but by a former co-worker. Mr. Ward further testified that the former co-worker later apologized to Mr. Ward and told him that she had been angry at the time she made the complaint. (Tr. at 20-21)
10. Mr. Ward testified that he had applied for a certificate to practice as a physician assistant in Ohio because he had considered working part-time as a physician assistant while doing his medical school rotations here. Nevertheless, Mr. Ward testified that the rotations have kept him too busy to work as a physician assistant. Moreover, Mr. Ward testified that, even though he no longer needs the certificate to practice as a physician assistant in Ohio, he felt compelled to defend the Board's proposed action because he "couldn't let this stand and let [the Board] think ill" of him for what happened in Texas. (Tr. at 22)

Mr. Ward asked that the Board review his circumstances objectively. Mr. Ward denied that he is a drug addict. Mr. Ward testified that "[n]o drug addict goes to medical school. No drug addict finishes his degrees. No drug addict stays in school half his life." Mr. Ward further testified that he had worked with drug addicts and alcoholics throughout his career in the Army, and that "[d]rug addicts and alcoholics do not last. Somewhere along their way, they mess up. And they mess up in a big way, usually. They kill somebody or they get in such a state that they can't function and they can't perform, and they are usually found out sooner or later." (Tr. at 23-24, 37-38)

11. Mr. Ward testified that he underwent triple bypass surgery in March 2000, but that his health is currently good. Mr. Ward further testified that he is currently taking “vitamins, complex B12, E’s. I take Lipitor for cholesterol. And I have Midrin if I need that, [and] BC, just a powdered aspirin.” Moreover, Mr. Ward testified that he has not used Stadol since January 1998. Finally, Mr. Ward testified that he still has migraine headaches nearly every day, but that he controls them with over-the-counter medicine and with Midrin. (Tr. at 20-21, 24, 42, 47)
12. Mr. Ward testified that he does not currently intend to practice as a physician assistant again, in Ohio or anywhere else, but that he did not want to “leave as a P.A. with this hanging over [his] head.” Mr. Ward further testified that he intends to move farther west once he finishes his medical school clerkships and begins residency training. (Tr. at 30-31)

Mr. Ward asked that the Board consider his application. Mr. Ward stated that, although he does not really want or need a certificate to practice as a physician assistant at this time, he asked the Board “not to tag my record as not being able to apply for a license someday if I decide to.” (Tr. at 39-40)

Mr. Ward testified that if the Board is willing to grant his application that he will abide by any requirements that the Board may choose to impose. (Tr. at 24-25)

FINDINGS OF FACT

1. Jimmie Steve Ward, P.A., filed an application for a certificate of registration as a physician assistant with the Board. That application remains pending.
2. On or about December 3, 1999, Mr. Ward signed an Agreed Order with the Texas State Board of Physician Assistant Examiners [Texas Board], effective on January 27, 2000, which restricted his license subject to terms and conditions for three years.

Mr. Ward consented to the Findings of Fact contained in the Agreed Order. Among these were findings that Mr. Ward had used Stadol on a daily basis during 1996 and through September 1997, that there were no written prescriptions for his personal use of Stadol, and that his medical records did not document or justify his long-term use of Stadol.

Mr. Ward also consented to the Conclusions of Law in which the Texas Board concluded that he had violated Section 18(5) of the Act which authorizes the Texas Board to take disciplinary action against him based upon his habitual use of drugs or intoxicating liquors.

CONCLUSIONS OF LAW

The acts, conduct, and/or omissions of Jimmie Steve Ward, P.A., as set forth in Findings of Fact 2, constitute “[a]ny of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4730.25(B)(18), Ohio Revised Code.

* * * * *

Mr. Ward testified that he had been prescribed Stadol for a legitimate medical purpose, that he was not addicted to Stadol, and that he had signed the Agreed Order only because his certificate to practice as a physician assistant in Texas had not been a priority for him at that time. Nevertheless, this Board gives great deference to regulatory boards in sister states, and Mr. Ward’s statements directly contradict the findings of fact and conclusions of law of the Texas Board Agreed Order. If Mr. Ward had believed that the findings and conclusions of the Agreed Order were not accurate, he should not have agreed to them. Accordingly, prior to his obtaining an active and unrestricted certificate, Mr. Ward will be evaluated for chemical dependency. Following this evaluation, if the Board determines that Mr. Ward is chemically dependent, any necessary treatment, aftercare, and/or monitoring will be instituted in order to protect the public.

PROPOSED ORDER

It is hereby ORDERED that:

- A. **APPLICATION GRANTED:** The application of Jimmie Steve Ward, P.A., for a certificate to practice as a physician assistant in the State of Ohio is hereby GRANTED, on the condition that he otherwise meets all statutory and regulatory requirements.
- B. **SUSPENSION OF CERTIFICATE:** The certificate of Mr. Ward to practice as a physician assistant in the State of Ohio shall be SUSPENDED for an indefinite period of time.
- C. **CONDITIONS FOR REINSTATEMENT:** The Board shall not consider reinstatement of Mr. Ward’s certificate to practice as a physician assistant unless all of the following conditions are met:
 - 1. **Application and Fees:** Mr. Ward shall submit an application for reinstatement, accompanied by appropriate fees, if any.

2. **Reports of Chemical Dependency Evaluation:** Mr. Ward shall submit two written reports indicating that, no more than sixty days prior to submitting his completed application for reinstatement, Mr. Ward had been evaluated for chemical dependency, at which time Mr. Ward's ability to practice as a physician assistant was assessed and he was found capable of practicing as a physician assistant according to acceptable and prevailing standards of care. The evaluations shall be conducted by two physicians approved in advance by the Board. Such physicians must specialize in the treatment of chemical dependency. The evaluations shall be at the expense of Mr. Ward. Mr. Ward shall provide the evaluators with a copy of this Order and any other information that the Board deems appropriate to the evaluators. Mr. Ward shall authorize release of the evaluators' reports to the Board and shall ensure that the Board is provided with a copy of each report. Each report shall describe the bases for the evaluator's determination and shall include a detailed recommended plan of any treatment, counseling, and/or aftercare that may be required for Mr. Ward. Each report shall also include any conditions, restrictions, or limitations that should be imposed on Mr. Ward's certificate.
3. **Releases:** Mr. Ward 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 Mr. Ward's chemical dependency, psychiatric conditions, 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. 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. Mr. Ward 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.
4. **Consent Agreement; Hearing if Agreement Cannot be Reached:** In the event that the Board determines, based upon the reports of evaluations as set forth in Paragraph C.2. of this Order, that Mr. Ward's ability to practice as a physician assistant is impaired due to chemical dependency, then Mr. Ward shall enter into a written Consent Agreement which may include as determined by the Board, additional reinstatement requirements, and/or probationary terms, conditions, and limitations for a minimum period as determined by the Board. If the Board and Mr. Ward are unable to agree to the terms of a written Consent Agreement, then Mr. Ward shall abide by any terms, conditions, and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

10/21/16 10:30

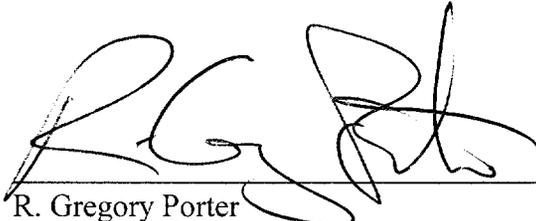
Further, in the event that the Board determines, based upon the reports of evaluations as set forth in Paragraph C.2., that Mr. Ward's ability to practice as a physician assistant is impaired due to chemical dependency, then upon reinstatement of Mr. Ward's certificate the Board shall require continued 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 following a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

- D. **ABSENCE FROM PRACTICE:** In the event that Mr. Ward's certificate to practice as a physician assistant has been suspended or in an inactive state for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4730.28, Ohio Revised Code, to require additional evidence of his fitness to resume practice.

- E. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, Mr. Ward shall provide a copy of this Order 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, Mr. Ward shall provide a copy of this Order 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.

- F. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, Mr. Ward shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Mr. Ward shall also provide a copy of this Order 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 or restoration of any professional license. Further, Mr. Ward shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

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



R. Gregory Porter
Attorney Hearing Examiner



State Medical Board of Ohio

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

EXCERPT FROM THE DRAFT MINUTES OF APRIL 11, 2001

REPORTS AND RECOMMENDATIONS

Dr. Bhati announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Bhati asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of Peter E. Dintiman, M.D.; James E. Fleming, M.D.; Ndubueze C. J. Okereke, M.D., M.P.H.; Paul Morrow, P.A.; and Jimmie Steve Ward, P.A. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Bhati	- aye

Dr. Bhati asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

Dr. Bhati - aye

Dr. Bhati noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Dr. Bhati stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....
JIMMIE STEVE WARD, P.A.
.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JIMMIE STEVE WARD, P.A. DR. SOMANI SECONDED THE MOTION.

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

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Bhati	- aye

The motion carried.



State Medical Board of Ohio

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December 13, 2000

Jimmie Steve Ward, P.A.
2744C Lochraven Boulevard
Copley, Ohio 44321

Dear Mr. Ward:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, or suspend your certificate of registration as a physician assistant, refuse to issue or reinstate your certificate, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about October 25, 1999, you filed an application for a certificate of registration as a physician assistant (hereinafter APPLICATION) with the State Medical Board of Ohio. That APPLICATION remains pending.
- (2) On or about December 3, 1999, you signed an Agreed Order with the Texas State Board of Physician Assistant Examiners [Texas Board], effective on January 27, 2000, which restricted your license subject to terms and conditions for three (3) years. A copy of the January 27, 2000, Agreed Order is attached hereto and fully incorporated herein.

You consented to the Findings of Fact contained in the Texas Board Order. Those findings include that you used Stadol on a daily basis during 1996 and through September 1997, that there were no written prescriptions for your personal use of Stadol, and that your medical records did not document or justify your long-term use of Stadol.

You also consented to the Conclusions of Law in which the Texas Board concluded that you had violated Section 18(5) of the Act which authorizes the Texas Board to take disciplinary action against you based upon your habitual use of drugs or intoxicating liquors.

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[a]ny of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to

Mailed 12-14-00

Jimmie Steve Ward, P.A.

Page 2

practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4730.25(B)(18), 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 (30) days of the time of mailing of this notice.

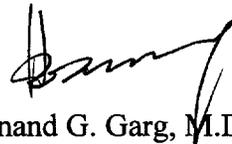
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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 (30) 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 or suspend your certificate of registration as a physician assistant, refuse to issue or reinstate your certificate or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4730.25(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate of registration as a physician assistant to an applicant, revokes an individual's certificate of registration, refuses to issue a certificate of registration, or refuses to reinstate an individual's certificate of registration, 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 of registration as a physician assistant 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,



Anand G. Garg, M.D.
Secretary

AGG/krt
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5140 3822
RETURN RECEIPT REQUESTED

STATE MEDICAL BOARD
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PA-00132

IN THE MATTER OF § BEFORE THE
THE LICENSE OF § TEXAS STATE BOARD OF
JIMMIE S. WARD, P.A.-C. § PHYSICIAN ASSISTANT EXAMINERS

AGREED ORDER

On this the 27th day of January, 2000, came on to be heard before the Texas State Board of Physician Assistant Examiners ("the Board" or "the Texas Board"), duly in session the matter of the license of Jimmie S. Ward, P.A.-C. ("Respondent"). On October 8, 1999, Respondent appeared in person with counsel, Fred E. Davis, at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from the staff of the Board. The Board's staff was represented by Susan E. Davis.

The Board was represented at the Informal Settlement Conference/Show Compliance Proceeding by Michael H. Belgard, PA-C and Pamela W. Baker, members of the Board. Upon recommendation of the Board's representatives, and with the consent of Respondent, the Board makes the following findings of fact and conclusions of law and enters this Order as set forth herein:

FINDINGS OF FACT

1. Respondent, Jimmie S. Ward, P.A.-C., holds Texas physician assistant license PA00132.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under article 4495b-1, T.R.C.S. (Vernon Supp. 1999) (hereinafter the "Act").
3. Respondent has practiced as a physician assistant in Texas for approximately five (5) years.
4. Respondent is fifty-one (51) years of age.
5. Respondent is currently attending medical school at University Health Sciences Antigua, St. Johns, West Indies.

REC-2000

6. During all pertinent times in the finding of facts below, Respondent was employed by Hillcrest Clinic in Waco and was supervised by Dr. Dale Crawford Allison.

7. Respondent used Stadol on a daily basis during 1996 and through September 1997.

8. There were no written prescriptions for Respondent's personal use of Stadol and Respondent's medical records did not document or justify Respondent's long-term use of Stadol.

9. In 1997, Stadol was reclassified as a controlled substance. Previously Stadol was listed as a dangerous drug.

CONCLUSIONS OF LAW

Based on the above Findings of Fact and in accordance with Section 19 of the Act, the Board concludes the following:

1. Respondent has violated Section 18(5) of the Act which authorizes the Board to take disciplinary action against Respondent based on his habitual use of drugs or intoxicating liquors.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent's Texas license is hereby RESTRICTED under the following terms and conditions for three (3) years from the date of the signing of this Agreed Order by the presiding officer of the Board:

1. Respondent shall abstain from the consumption of alcohol, dangerous drugs, or controlled substances in any form unless prescribed by another physician to Respondent for a legitimate and documented therapeutic purpose. In the event that Respondent receives alcohol, dangerous drugs, or controlled substances from another physician for the purpose of treating Respondent, Respondent shall cause the treating physician to immediately report in writing to the Board the medical condition being treated, the substance prescribed, dispensed or administered, the amount of such substance and any refills authorized, or shall have the treating physician provide the Board with a copy of Respondent's medical record which substantially reflects this information. Respondent shall give the treating physician a copy of this Order and shall ensure that a report to the Board is made by the treating physician or that a copy of Respondent's

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medical record is provided by the treating physician to the Board. Respondent shall immediately report by telephone to Respondent's compliance officer or the Director of Compliance, to be followed by a letter within twenty-four (24) hours, an explanation of any incident in which Respondent ingests any alcohol, controlled substances, or dangerous drugs in any manner not prescribed by another physician for a legitimate and therapeutic medical purpose.

2. Respondent shall submit himself for appropriate examinations, including screening for alcohol or drugs either through a urine, blood, or hair specimen, at the request of a representative of the Board, without prior notice, to determine chemically through laboratory analysis that Respondent is free of prohibited drugs and alcohol. Respondent shall pay for the costs of these chemical analyses. A positive screen for drugs or alcohol consumed in violation of the terms of this Order, or a refusal to submit to random screenings shall constitute a violation of this Order and may result in further disciplinary action pursuant to the Act.

3. Respondent shall be solely responsible for the payment of all costs and charges by any facility which conducts screens on Respondent pursuant to this Order to determine whether or not Respondent has ingested alcohol or drugs in violation of the terms set forth herein. Respondent shall promptly pay all such costs and charges. Respondent's failure to promptly pay the legitimate costs and charges associated with such screens shall constitute unprofessional and dishonorable conduct, a violation of this Order, and grounds for disciplinary action under the Act.

4. The Respondent shall participate in the activities and programs of Alcoholics Anonymous (AA) or Narcotics Anonymous (NA), whichever program is available in Respondent's area, or any other substantially similar program which has been approved in advance in writing by the Executive Director of the Board, on a regular basis of not less than three (3) times a week. Respondent shall maintain documentation as to the number and location of meetings attended and make such documentation available to the Board staff upon request.

5. Except as otherwise provided for by the terms of this Order, Respondent shall not possess alcohol, controlled substances, or dangerous drugs with addictive potential or potential for abuse. If Respondent has not already done so, Respondent shall surrender to a representative of the Texas Department of Public Safety Narcotic Service, all controlled substances and dangerous drugs with potential for abuse, including samples, which are in Respondent's actual possession, Respondent's home or office, or otherwise in Respondent's constructive possession,

6/10/2000
1764-2000

unless such possession is authorized by other provisions of this Order. Respondent shall not obtain nor possess alcohol, controlled substances, or dangerous drugs with potential for abuse or addictive potential unless authorized to do so by the terms of this Order.

6. Except as otherwise provided for by the terms of this Order, Respondent shall not treat or otherwise serve as a physician assistant for Respondent's immediate family, and Respondent shall not prescribe, dispense, administer or authorize controlled substances, dangerous drugs with addictive potential or potential for abuse, or alcohol to Respondent or Respondent's immediate family. Respondent may self-administer or administer to Respondent's immediate family only such drugs and alcohol as prescribed by other physician for a legitimate medical purpose and in compliance with the orders and directions of such physician.

7. Respondent, in his capacity as a physician assistant, shall not telephone to a pharmacy a prescription or refill for controlled substances or dangerous drugs with addictive potential or potential for abuse, and Respondent shall not permit any individual under Respondent's supervision or control to telephone such a prescription or refill to a pharmacy.

8. For purposes of this Order, dangerous drugs with addictive potential or potential for abuse shall include, but shall not be limited to, Nubain, Soma, Phenergan, Talwin, Propofol, Butalbital, and their trademark or generic equivalents in any form, as well as any chemical or chemical combination substantially similar or equivalent to such drugs.

9. Respondent shall personally appear before a panel of Board representatives, at least one (1) time each year that Respondent is under the terms and conditions of this Order. Such appearances shall be for the purpose of reporting on and addressing issues related to Respondent's compliance with the terms and conditions of this Order.

10. To verify that Respondent has complied with and is in compliance with the terms and conditions of this Order, Respondent shall fully cooperate with the Board and the Board staff, including but not limited to, Board attorneys, investigators, compliance officers, consultants, and other such employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to cooperate as required by this paragraph and the terms of this Order shall constitute a basis for disciplinary action against Respondent pursuant to the Act.

11. Upon request by the Board or a member of the Board staff, Respondent shall immediately execute, and provide as needed, any and all medical releases as may be requested

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by the Board or Board staff to obtain copies of medical treatment records of Respondent to include, but not limited to, any such releases required to obtain treatment records of Respondent protected by 42 C.F.R. subchapter A, part 2, and any subsequent amendments. Failure to execute and provide such releases shall constitute a basis for disciplinary action against Respondent pursuant to the Act.

12. The time period of this Order shall be extended for any period of time in which Respondent subsequently resides or practices outside the State of Texas, is in official retired status with the Board, or for any period during which Respondent's license is subsequently cancelled for nonpayment of licensure fees. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. Upon Respondent's return to practice in Texas or Respondent's relicensure, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order when Respondent left the practice of medicine in Texas, retired, or had his or her license cancelled for nonpayment of licensure fees and shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling.

13. Respondent shall comply with all the provisions of the Act, and other statutes regulating the Respondent's practice, as is required by law.

14. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within ten (10) days of the address change. This information shall be submitted to the Verification Department and the Director of Compliance for the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

15. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute evidence of unprofessional or dishonorable conduct likely to deceive or defraud the public or injure the public.

16. Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has applied for privileges, applies for privileges, or otherwise practices as a physician assistant.

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17. Respondent shall ensure that any inquiries which are made by any person or entity through any means to Respondent or Respondent's employees regarding Respondent's Texas licensure status are answered by accurate reference to this Order.

18. Upon request by any person or entity, either orally or in writing, Respondent shall provide a complete and legible copy of this Order to the requesting party within ten (10) calendar days of the request.

19. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for 12 months following entry of this Order. If, after the passage of the 12-month period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, JIMMIE S. WARD, P.A., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: Dec 3 - _____, 1999.


JIMMIE S. WARD, P.A.
RESPONDENT

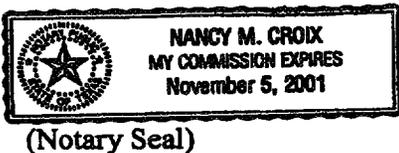
DEC 4 - 2000

STATE OF Texas
COUNTY OF McLennan

§
§
§

BEFORE ME, the undersigned Notary Public, on this day personally appeared Jimmie S. Ward, P.A, known to me to be the person whose name is subscribed to this instrument, an Agreed Order, and who after being by me duly sworn, on oath, stated that he executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 3 day of December, 1999.



Nancy M. Croix
Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Physician Assistant Examiners on this 27 day of January, 2000.

Tony G. Hedges
Tony G. Hedges, D.O.
President, Texas State Board of Physician Assistant Examiners

STATE OF TEXAS
COUNTY OF TRAVIS

I, Rita Perkins, certify that I am an official assistant custodian of records for the Texas State Board of Medical Examiners, and that this is a true and correct Copy of the original, as it appears on file in this office

Witness my official hand and seal of the Board, this 27 day of November, 2000
Rita Perkins
Rita Perkins
Public Information