State Medical Board of Ohio

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

July 14, 2004

Jeffrey Thomas Jones, P.A.
309 Aultman Aveue, NW
Canton, OH 44708

Dear Mr. Jones:

Please find enclosed certified copies of the Entry of Order; the Report of Remand of Siobhan R. Clovis, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 14, 2004, including motions approving and confirming the Report of Remand 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

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7000 0600 0024 5150 3058
RETURN RECEIPT REQUESTED

Cc: Eric J. Plinke, Esq.
CERTIFIED MAIL NO. 7000 0600 0024 5150 2792
RETURN RECEIPT REQUESTED

Mailed 7-15-04

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report of Remand of Siobhan R. Clovis, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 14, 2004, 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 Jeffrey Thomas Jones, 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.

Lance A. Talmage, M.D.
Secretary

(SEAL)

July 14, 2004
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

JEFFREY THOMAS JONES, P.A. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on July 14, 2004.

Upon the Report of Remand of Siobhan R. Clovis, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report of Remand 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. **SUSPENSION OF CERTIFICATE**: The certificate of Jeffrey Thomas Jones, P.A., to practice as a physician assistant in the State of Ohio shall be SUSPENDED for a period of one hundred and fifty days. Such suspension period shall be calculated from February 17, 2004, the effective date of Mr. Jones's immediate suspension.

B. **PROBATION**: Upon reinstatement, Mr. Jones's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:

1. **Obey the Law and Terms of Criminal Probation**: Mr. Jones shall obey all federal, state and local laws, and all rules governing the practice of a physician assistant in Ohio, and all terms of probation imposed by the Court of Common Pleas of Medina County, Ohio in criminal case number 03-CR-0250.

2. **Declarations of Compliance**: Mr. Jones shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Evidence of Compliance with the Terms of Criminal Probation**: At the time he submits his quarterly declarations, Mr. Jones shall also submit declarations under penalty of Board disciplinary action or criminal prosecution stating whether he has complied with all the terms, conditions, and limitations imposed by the Court of Common Pleas of Medina County, Ohio in criminal case number 03-CR-0250.

4. **Personal Appearances**: Mr. Jones shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

5. **Continued Compliance with a Contract with an Impaired Physicians Committee**: Mr. Jones shall maintain continued compliance with the terms of the contract entered into with OPEP, or with another impaired physicians committee, approved by the Board, to assure continuous assistance in recovery and/or aftercare.

6. **Tolling of Probationary Period While Out of State**: Mr. Jones shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.

7. **Noncompliance Will Not Reduce Probationary Period**: In the event Mr. Jones is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

8. **Violation of Terms of Probation**: If Mr. Jones violates probation in any respect, the Board, after giving him/her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate

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

D. **RELEASES**: Mr. Jones shall provide continuing 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. Jones's chemical dependency and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluations 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. Jones shall also provide the Board written consent permitting any treatment provider from whom Mr. Jones 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.

E. **REQUIRED REPORTING TO TREATMENT PROVIDERS**: Mr. Jones shall provide a copy of this Order to all persons and entities that provide Mr. Jones chemical dependency treatment or monitoring.

F. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS**: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Mr. Jones 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. Jones 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.

G. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES**: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Mr. Jones 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. Jones shall

also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration or restoration of any professional license. Further, Mr. Jones shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

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

Lance A. Talmage, M.D.
Secretary

(SEAL)

July 14, 2004
Date

STATE MEDICAL BOARD
OF OHIO

2004 JUN 18 P 1:09

REPORT OF REMAND
IN THE MATTER OF JEFFREY THOMAS JONES, P.A.

The Matter of Jeffrey Thomas Jones, P.A., was remanded to Siobhan R. Clovis, Esq., Hearing Examiner for the State Medical Board of Ohio, by Order of the Board issued on June 9, 2004.

INTRODUCTION

I. Basis for Remand

A Report and Recommendation in this matter was considered by the State Medical Board of Ohio [Board] at its meeting on June 9, 2004. (Remand Exhibit A). Jeffrey Thomas Jones, P.A., appeared before the Board at that time, along with his counsel, Eric J. Plinke, Esq.

The Proposed Order included standard impairment requirements, including provisions regarding inpatient treatment. Mr. Jones, through counsel, filed Objections to the Proposed Order, in which he argued that the provisions regarding inpatient treatment were inconsistent, in that one provision appeared to require inpatient treatment, while two other provisions left the matter to the discretion of a Board-approved treatment provider. The Objections argued that the decision of whether Mr. Jones required inpatient treatment should unambiguously be left to the discretion of the Board-approved treatment provider. Mr. Plinke reiterated this argument in a brief oral statement to the Board. (Remand Exhibit C).

Mr. Jones then addressed the Board. He stated that he continued to be active in recovery efforts and to comply with his probation and OPEP contract. He further stated that he had been assessed for chemical dependency, and that it had been determined that his current recovery efforts were sufficient. Apparently, however, the report was not completed in time for submission to the Hearing Examiner. (Remand Exhibit C).

Gregory A. Perry, Assistant Attorney General, then spoke to the Board. Mr. Perry advised that the judicial finding of intervention in lieu of conviction in Mr. Jones's criminal case was a legal fiction designed to keep Mr. Jones out of prison and to prevent a drug conviction. Mr. Perry stated that the facts demonstrate that Mr. Jones does not have a drug problem that would affect his ability to practice. Mr. Perry asked the Board to tailor its Order to Mr. Jones's assessment report, rather than the legal fiction created by the criminal case. (Remand Exhibit C).

The Board then discussed the case. The Board decided to remand the case to the Hearing Examiner, so that Mr. Jones's assessment report could be considered, and the Proposed Order could be modified accordingly. (Remand Exhibit C).

II. Proceedings Upon Remand

The Hearing Examiner held a telephone conference with counsel for the parties on June 11, 2004. The parties agreed that an additional hearing was not necessary. The parties stipulated to Remand Exhibit B, which is the report of the chemical dependency assessment of Jeffrey Thomas Jones, P.A. The parties further stipulated that Rosary Hall Chemical Dependency Center, Saint Vincent Charity Hospital and Health Center, is a Board-approved treatment provider.

III. Remand Exhibits

A. Copy of the May 13, 2004, Report and Recommendation in the Matter of Jeffrey Thomas Jones, P.A.

B. Copy of a June 14, 2004, letter reporting the results of Mr. Jones's chemical dependency assessment. (Note: This exhibit has been sealed to protect patient privacy.)

C. Excerpt from the draft minutes of the June 9, 2004, Board meeting.

SUMMARY OF THE EVIDENCE ON REMAND

1. The May 13, 2004, Report and Recommendation in the Matter of Jeffrey Thomas Jones, P.A., and the associated hearing record, are hereby incorporated by reference. (Remand Exhibit A).

2. On April 6, 2004, Mr. Jones underwent an in-depth chemical dependency assessment at Rosary Hall Chemical Dependency Center, Saint Vincent Charity Hospital and Health Center [Rosary Hall], a Board-approved treatment provider. The assessment was done at Mr. Jones's request, to determine his readiness to return to practice as a physician assistant. Thomas Fett, a certified chemical dependency counselor, conducted the assessment. (Remand Exhibit B).

   On June 14, 2004, Chris Adelman, M.D., Medical Director of Rosary Hall, addressed a letter to Board staff reporting the results of the assessment. The letter states, in part:

   > [Mr. Jones] shows no signs of impairment and demonstrates no risk to the public in returning to practice.

(Remand Exhibit B).

Mr. Jones was diagnosed with anabolic steroid dependence in remission. He agreed not to use or possess anabolic steroids, which he stated that he had not used since 1991. Mr. Jones further agreed not to use any mood-altering drugs and to maintain a structured recovery program in Alcoholics Anonymous. (Remand Exhibit B).

Dr. Adelman made the following recommendations for treatment and disposition:

1. Continued involvement in self-help groups and with a sponsor.
2. Continued therapy and monitoring by Ray Isackila, LPCC, CCDCIII at Oakview.
3. Continued monitoring by Ohio Physicians Effectiveness Program [OPEP].
4. Continue to stay alcohol and drug free.

(Remand Exhibit B).

Dr. Adelman advised:

> If Mr. Jones complies with the above recommendations we recommend that he be allowed to practice medicine as a physician's assistant without any other restrictions. He is assessed to be capable of practicing medicine according to the acceptable and prevailing standards of care.

(Remand Exhibit B).

3. Mr. Jones's five-year contract with OPEP, along with his probationary terms, includes all of Dr. Adelman's recommended requirements. The OPEP contract requires at least three 12-step meetings per week, monitoring by Mr. Isackila, random weekly urine screens, and abstinence from alcohol and drugs. Further, Mr. Jones's criminal probation requires counseling sessions with Dr. Isackila. (State's Exhibit 3 at 8-9; Respondent's Exhibit G).

   Accordingly, the Proposed Order does not duplicate the recommended requirements, but simply mandates continued compliance with Mr. Jones's criminal probationary terms and his OPEP contract.

PROPOSED ORDER ON REMAND

It is hereby ORDERED that:

A. **SUSPENSION OF CERTIFICATE**: The certificate of Jeffrey Thomas Jones, P.A., to practice as a physician assistant in the State of Ohio shall be SUSPENDED for a period of one hundred and fifty days. Such suspension period shall be calculated from February 17, 2004, the effective date of Mr. Jones's immediate suspension.

B. **PROBATION**: Upon reinstatement, Mr. Jones's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:

1. **Obey the Law and Terms of Criminal Probation**: Mr. Jones shall obey all federal, state and local laws, and all rules governing the practice of a physician assistant in Ohio, and all terms of probation imposed by the Court of Common Pleas of Medina County, Ohio in criminal case number 03-CR-0250.

2. **Declarations of Compliance**: Mr. Jones shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Evidence of Compliance with the Terms of Criminal Probation**: At the time he submits his quarterly declarations, Mr. Jones shall also submit declarations under penalty of Board disciplinary action or criminal prosecution stating whether he has complied with all the terms, conditions, and limitations imposed by the Court of Common Pleas of Medina County, Ohio in criminal case number 03-CR-0250.

4. **Personal Appearances**: Mr. Jones shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

5. **Continued Compliance with a Contract with an Impaired Physicians Committee**: Mr. Jones shall maintain continued compliance with the terms of the contract entered into with OPEP, or with another impaired physicians committee, approved by the Board, to assure continuous assistance in recovery and/or aftercare.

6. **Tolling of Probationary Period While Out of State**: Mr. Jones shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.

7. **Noncompliance Will Not Reduce Probationary Period**: In the event Mr. Jones is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

8. **Violation of Terms of Probation**: If Mr. Jones violates probation in any respect, the Board, after giving him/her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate

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

D. **RELEASES**: Mr. Jones shall provide continuing 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. Jones's chemical dependency and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluations 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. Jones shall also provide the Board written consent permitting any treatment provider from whom Mr. Jones 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.

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F. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS**: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Mr. Jones 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. Jones 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.

G. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES**: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Mr. Jones 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. Jones shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration or restoration of any professional license. Further, Mr. Jones shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

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

Siobhan R. Clovis, Esq.
Hearing Examiner

STATE MEDICAL BOARD
OF OHIO

2004 MAY 13 A 8: 28

REPORT AND RECOMMENDATION
IN THE MATTER OF JEFFREY THOMAS JONES, P.A.

The Matter of Jeffrey Thomas Jones, P.A., was heard by Siobhan R. Clovis, Esq., Hearing Examiner for the State Medical Board of Ohio, on April 13, 2004.

INTRODUCTION

I. Basis for Hearing

A. By letter dated February 11, 2004, the State Medical Board of Ohio [Board] notified Jeffrey Thomas Jones, P.A., that, pursuant to Section 3719.121(C), Ohio Revised Code, the Board had immediately suspended his certificate of registration as a physician assistant in the State of Ohio. This action was based on Mr. Jones's September 26, 2003, guilty plea to one felony count of Possession of Drugs (Anabolic Steroids), in violation of Section 2925.11(A)(C)(2)(c), Ohio Revised Code, and the judicial finding that Mr. Jones was eligible for treatment in lieu of conviction. The Board further notified Mr. Jones that continued practice would be considered practicing as a physician assistant without a certificate of registration in violation of Section 4730.02, Ohio Revised Code.

In addition, the Board notified Mr. Jones that, based upon the guilty plea, the underlying conduct, and the judicial finding of eligibility for treatment in lieu of conviction, the Board proposed to take disciplinary action against his certificate of registration as a physician assistant.

The Board alleged that Mr. Jones's guilty plea and the finding of eligibility for treatment in lieu of conviction constitute "'[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a felony,' as that clause is used in Section 4730.25(B)(11), Ohio Revised Code."

The Board further alleged that Mr. Jones's eligibility for treatment in lieu of conviction and the facts underlying his conviction demonstrate that Mr. Jones suffers from the "'[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,' as that clause is used in Section 4730.25(B)(5), Ohio Revised Code."

Lastly, the Board alleged that Mr. Jones's guilty plea and eligibility for intervention in lieu of conviction constitute "'[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking drugs,' as that clause is used in Section 4730.25(B)(17), Ohio Revised Code."

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

B. On February 18, 2004, Eric J. Plinke, Esq., submitted a written hearing request on behalf of Mr. Jones. (State's Exhibit 1B).

II. Appearances

A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Gregory A. Perry, Assistant Attorney General.

B. On behalf of the Respondent: Eric J. Plinke, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Jeffrey Thomas Jones, P.A.

II. Exhibits Examined

A. Presented by the State

1. State's Exhibits 1A through 1L: Procedural exhibits.

2. State's Exhibit 2: Certified copies of documents maintained by the Court of Common Pleas of Medina County, Ohio, in *State of Ohio v. Jeffrey T. Jones*, Case No. 03-CR-0250.

3. State's Exhibit 3: Copy of Mr. Jones's January 30, 2004, response to the Board's inquiry about the affirmative answers on his renewal application.

4. State's Exhibit 4: Certified copies of records maintained by the Board concerning Mr. Jones.

B. Presented by the Respondent

* 1. Respondent's Exhibit C: Copy of an April 8, 2004, letter in support of Mr. Jones from Francis L. Grego, PA-C, Head Supervising Physician Assistant, University Hospitals of Cleveland. (Note: The letter is mistakenly dated "2005").

* 2. Respondent's Exhibit D: Copy of an April 12, 2004, letter in support of Mr. Jones from Daniel A. Deutschman, M.D., Distinguished Life Fellow, American Psychiatric Association, Medical Director-Emeritus, Chief of Psychiatry, Southwest General Health Center, Assistant Clinical Professor, Department of Psychiatry, Case Western Reserve University.

3. Respondent's Exhibit E: Copy of a 2001 Performance Review and Competency Assessment for Mr. Jones from Southwest General Health Center.

4. Respondent's Exhibit F: Copy of a 2002 Performance Review and Competency Assessment for Mr. Jones from Southwest General Health Center.

5. Respondent's Exhibit G: Copy of an agreement between Mr. Jones and the Ohio Physicians Effectiveness Program, Inc. (Note: This copy has not been signed by either party). (Further note: This exhibit has been sealed to protect confidentiality).

* (Note: the State did not have an opportunity to cross-examine the authors of these letters).

PROCEDURAL MATTERS

The hearing record in this matter was held open until April 20, 2004, to give the Respondent an opportunity to submit additional evidence. Additional evidence was timely submitted and entered into the record as Respondent's Exhibit G. (See Hearing Transcript at 86-87).

SUMMARY OF THE EVIDENCE

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

1. Jeffrey Thomas Jones, P.A., is thirty-eight years old. He grew up in Canton, Ohio, and graduated from high school in 1984. He then accepted a scholarship to Malone College, a Christian liberal-arts college in Canton, where he played basketball and was on the track

team. He acquired 240 credit hours at Malone College, but he never completed his bachelor's degree before leaving in 1989. (Hearing Transcript [Tr.] at 28-29, 47, 62).

Through college and until about 1991, Mr. Jones worked at United Parcel Service. He then moved to another area of northeastern Ohio, and started working at Roberts Express, a subsidiary of Roadway Services. During this time, he attended college classes at Kent State University and Akron University, with the intention of becoming a school psychologist. Mr. Jones eventually changed course and decided to become a physician assistant, because of decreasing opportunities for school psychologists in Ohio. (Tr. at 61-62).

In 1995, Mr. Jones began attending Cuyahoga Community College to satisfy the prerequisites to enter the physician assistant program. He attained an associate's degree in liberal arts in 1996, and an associate's degree in physician assistant studies in 1999. Mr. Jones took and passed the examination required for licensure in November 2001. He became licensed as a physician assistant in Ohio in February 2002. Mr. Jones testified that he had delayed taking the test and becoming licensed because he had been busy with family affairs. Not only did his father become ill and die from cancer during this time, but Mr. Jones also went through a divorce. (Tr. at 19, 29, 60-61).

Before taking the licensure examination, Mr. Jones worked as an emergency department technician at Fairview General Hospital. In September 2001, Mr. Jones began working as a psychiatric specialist for Oak Tree Behavioral Health [Oak Tree] in Middleburg Heights, Ohio. As a psychiatric specialist, Mr. Jones interviewed patients and entered their data into the computer. He also made and responded to telephone calls from patients on behalf of the doctors. After becoming licensed, Mr. Jones worked as a physician assistant at Oak Tree until November 2003. (Tr. at 19-20, 57-58, 60; Respondent's Exhibit [Resp. Ex.] D).

Mr. Jones began working as a physician assistant in the emergency department at University Hospitals in May 2002. In January 2004, Mr. Jones also began working as a physician assistant in the emergency room at the Cleveland Clinic. He was employed at both facilities before his suspension by the Board. (Tr. at 43-44, 49-50, 56-57).

2. Mr. Jones testified that he has been an athlete all his life. In 1986 he ruptured his Achilles tendon while playing basketball. He then began lifting weights in lieu of his usual aerobic activity. He started gaining "quite a bit of muscle mass." (Tr. at 27-28). Mr. Jones testified,

> And one of the fellows who was actually helping me rehab at the time, said, 'Man, you've really got a knack for putting on muscle' and that sort of stuff, so I continued to lift for about a year or so and met with a friend of mine whose brother was a very big body builder-type fellow, and I questioned him how he got so big, and basically he told me, 'from anabolic steroids.'

> At that point, he provided with me a physician in the Akron, Ohio area who prescribed anabolic steroids for athletes. Athletes of all realms, some may just be in college, some that are professional, that didn't really matter.
>
> So I made an appointment and went and met with this fellow, and at that point was prescribed an anabolic steroid in an oral form sometime in 1986.

(Tr. at 28).

Mr. Jones further testified that he had thoroughly researched steroids before he started using them.

> I was very — I was very — before I began anabolic steroid use, I wanted to know what they were about. I dug deep to find out what they were about. What they do to you, the good, the bad, what forms were the best forms to use, which were the least harsh on your system.
>
> And at that point, I used as close to the PDR recommended dose, Physician's Desk Reference dose that I possibly could, knowing that you only need X amount, and your body can only utilize X amount of that agent.
>
> And with the physician who was prescribing them, we had very at length conversations about that sort of regimen.

(Tr. at 31).

Mr. Jones competed in amateur bodybuilding competitions from 1987 to 1991. (Tr. at 63, 83). His use of steroids was not continual during that time.

> I used them cycling, on and off as I needed to for competitions; might be six weeks at a time; might be four weeks at a time; might be 12 weeks at a time.
>
> And at that point in time, you may only use them once or twice a year, depending on how many times I was competing during that year.

(Tr. at 31-32). Further, there were also periods of time in which Mr. Jones stayed "clean" because he was planning to enter a competition that required drug testing. (Tr. at 43).

In 1990 or 1991, Mr. Jones learned that the FDA had banned steroids. His physician "pretty much closed his practice at that point." Mr. Jones then obtained steroids illegally, but he

testified that 90 - 95% of the steroids he had ever used were prescribed and administered to him by the prescribing physician. (Tr. at 32, 42-43, 64).

Mr. Jones has not used steroids since 1991, when he ceased competing in bodybuilding because he had injured his back. He stated that he had not had any trouble stopping his use of anabolic steroids, and that he had never felt addicted. He testified that he has never used or been involved with any other illicit drugs, and that he has no history of problems with alcohol. (Tr. at 25, 30, 32, 38-39).

3. After Mr. Jones stopped competing in bodybuilding, he continued to be somewhat active in the sport. He occasionally assisted other people in training for competitions. He also served as a judge for the northeast Ohio chapter of the National Physique Committee. (Tr. at 68-69).

   In December 2001, an old bodybuilding friend contacted Mr. Jones through a mutual acquaintance and inquired whether Mr. Jones knew where one could obtain a particular illegal anabolic steroid. Mr. Jones provided the name of a source for "athletic supplementation." Mr. Jones also provided his friend with a residential address (not his own) to which a package could be delivered. Mr. Jones knew that the package would contain items that were being illegally transferred, but he was not aware of the particular contents. Mr. Jones testified that he had not been offered any benefit for facilitating the transaction. (Tr. at 20-22, 26, 72-74, 85).

   The package contained 986 unit doses of Stanozolol, an anabolic steroid and a Schedule III controlled substance. On January 4, 2002, law enforcement authorities intercepted the package at the residence to which Mr. Jones had recommended that it be delivered. The woman who lived there was a friend of Mr. Jones, but she had not been aware of the transaction. Mr. Jones had erroneously believed that she would not be home when the package was to be delivered. When she informed Mr. Jones of the incident, he contacted a friend who worked at the FBI for legal advice. Mr. Jones was advised to turn himself in, which he promptly did. Mr. Jones testified that he has cooperated with the authorities "one hundred percent." (Tr. at 20-22, 26, 75-76; State's Exhibit [St. Ex.] 2 at 1).

   On September 26, 2003, in the Court of Common Pleas of Medina County, Mr. Jones, who had no prior criminal history, pleaded guilty to fourth-degree-felony "Possession of Drugs (Anabolic Steroids)," a violation of Section 2925.11(A)(C)(2)(c), Ohio Revised Code. The court granted Mr. Jones's motion for intervention in lieu of conviction after finding Mr. Jones eligible for that program. Mr. Jones was ordered into treatment and placed on community control for two years. (Tr. at 39; St. Ex. 2 at 3-4).

4. Mr. Jones testified that, when he was evaluated for his eligibility for intervention in lieu of conviction, he had been advised to answer the questions with regard to his drug use during the time that he was using steroids. (Tr. at 39-42). Mr. Jones explained,

> When I initially met with the treatment provider, Mr. Isackila, he had given a tool which is what we call a Sassia, S-a-s-s-i-a, [SASSI] or something of that nature, that's a tool that you fill out a series of questions that state the probability of dependency upon a substance.
>
> When I was reading the questions, I had asked Mr. Isackila, 'Should I take this test as of today when I'm sitting in your office or when I actually was using steroids historically?'
>
> He said, 'Take it as historically.' There were questions on there, 'Did you feel better when you were taking the substance?' Yes.
>
> 'Did you have eating habits that were different?' Yes. I ate more.
>
> 'Did you engage in activity that was evolving or revolving around this drug?' Sure. I made appointments to see a doctor who I was getting my drugs from.
>
> So the probability of this sort of stuff which, you know, you're asking these questions, and you go down there, okay, there is a pattern here, you know, he felt better, you know, he ate more, and he involved himself in activity.
>
> Looking at the DSM-IV criteria, which I did then sit down with Mr. Isackila and look over that, the DSM-IV is a diagnostic tool to decipher stuff for mental health professionals; yeah, I could look back and see, there were a couple of those that fit.
>
> And you only had to fit a few of those questions, and I had a long discussion with Mr. Isackila about that, because I felt I wasn't dependent upon these substances at all. I haven't done them for 13 years.
>
> And if I did, wouldn't you call me in remission, under the DSM-IV criteria, but that's obviously not what was said. And I think a lot of that had also to deal with my attorney and Mr. Isackila's conversation.
>
> Because from what I understand, the prosecutor was allowing us to go forth with an intervention in lieu of conviction plea. I had to be found dependent upon a steroid at that point and it happened; and it cuts like a knife, because I'm out of prison, but I'm facing this stuff with the Medical Board today.

(Tr. at 40-41).

5. Mr. Jones's court-ordered treatment program requires biweekly individual counseling sessions, abstinence from illegal drugs, recommended abstinence from alcohol, monthly drug testing, and random steroid testing. He must also report to his probation officer once a month. (Tr. at 35-36; St. Ex. 3 at 8-9).

   Initially, Mr. Jones was not required to attend any 12-step programs. He asked his counselor for a recommendation of a good 12-step program for a medical professional. His counselor advised him to attend a Caduceus meeting, but Mr. Jones was voted out of the group after one meeting. He testified that he was voted out because of the "anonymity clause." (Tr. at 55-56). Mr. Jones's January 30, 2004, letter to the Board provides a further explanation:

   > I spent the evening with the group and they voted (they have an anonymity clause) that I don't meet their criteria for the group. Basically, since I have not been physically impaired by the drug, [n]ot gone through a [d]etox program, have not experienced physical withdraw[al] from a drug, have not used [s]teroids for the past 13 years, and I am not a physician they elected me out of their program.

   (St. Ex.3 at 3).

   Mr. Jones then began attending regular Alcoholics Anonymous [AA] meetings. He did so with some trepidation, because he was concerned that he would see people that he knew from his practice as a physician assistant. He does see people at his meetings that he has treated, but he is now okay with that. At Mr. Jones's request, once-a-week AA attendance is now a required part of his court-ordered treatment program. He testified that he usually attends two or three meetings a week. (Tr. at 56).

   Mr. Jones has complied with his court-ordered treatment and community control thus far. He will complete the one-year treatment program in October 2004. Although the court ordered two years of community control, Mr. Jones has been advised that it may be terminated early if he continues to do as well as he has been. After Mr. Jones completes the court's requirements, the charge against him will be dismissed, pursuant to Section 2951.041(E), Ohio Revised Code. (Tr. at 37-38).

6. In December 2003, Mr. Jones applied for renewal of his physician assistant certificate. The renewal application required information about any criminal actions, as well as information about any diagnosis of, or treatment for, drug dependency. Mr. Jones sought advice from Daniel A. Deutschman, M.D., his former supervisor at Oak Tree, and from Board staff about the correct way to answer the questions on his renewal application. He followed the advice he was given, and accurately answered the questions. He also provided further information when requested to do so by the Board. (Tr. at 33-34, 58, 79-82; St. Ex. 3; Resp. Ex. D).

Mr. Jones also testified that he had fully disclosed his criminal case to the Cleveland Clinic before he was hired there as a physician assistant in January 2004. (Tr. at 48-49).

7. Mr. Jones has been unemployed since mid-February, when his license was immediately suspended by the Board under Section 3719.121(C), Ohio Revised Code. (Tr. at 11; St. Ex. 1A). When asked what assurances he could give the Board that his license could be safely reinstated, and that he would never become involved with steroids or drugs again, Mr. Jones responded:

> I'm going to tell you in January of 2002 when this happened to me, I had no idea that any of this would transpire into what it has today. I look at myself as an upstanding citizen, very moral in character who allowed himself to be put in a position to be used.
>
> I let a lot of people down. And from that date that that happened to me, I made a vow with God — I'm a very religious person — and I just basically said that, you know, this — this involvement in this sort of stuff is not me by character.
>
> It should have never happened. From that date, I separated myself completely from those sort of people that would put me in a position that I was in in January of 2002. Surrounding myself with people that would understand where I'm coming from with that sort of stuff and then, number two, saying that I — I chose a profession as physician's assistant to help other people, because I'm good at that. I love medicine, and I have committed myself to basically a lifetime of a PA. That's what I want for my life.
>
> And knowing that I made a poor choice, that I could learn from that mistake, and not be surrounded with those sort of temptations. For 10 years, 11 years, I separated myself completely from that sort of stuff, and in wanting to help somebody who I thought was a friend at the time, it burnt me. I've learned from that.
>
> I know that my life — I have a son who is eight years old. I have to live my life in a way that he would be proud of his father. I have a mother that's still living, who I also let down.
>
> My father, unfortunately, has passed away, and I never would have wanted him to see any of this transpire, but I also, you know, not only do I want for myself, but for those people that I've let down.

> I've made some wonderful contacts since January of 2002 that have been such wonderful contacts to me, and have really helped me through this. From one standpoint, I'm glad it happened, I am. Because it — it made me aware of what you think can't hurt you will.
>
> And — but in the same sense it stinks to not have a job where I've spent six years trying to get into the field, and to have it ripped away from me, and having known this is the only thing I really have to make a life, a livelihood out of, it's something I love and that I'm good at.

(Tr. at 45-47).

8. At hearing, Mr. Jones submitted two performance reviews that he had received while working at Oak Tree, each of which rates his work highly. He testified that Dr. Deutschman, his supervisor at Oak Tree, had advised Mr. Jones that he would like Mr. Jones to take over his practice some day, if Mr. Jones were to eventually become a doctor. (Tr. at 47; Resp. Ex. E, F). Dr. Deutschman wrote a letter in support of Mr. Jones, which states, in part:

> Mr. Jones joined my practice in September of 2001, and this interim period [before Mr. Jones's licensure] gave me the opportunity to get to know him as a person and what his abilities were as a clinician. The first year of his employ with me Mr. Jones proved himself to be an invaluable employee. He was well liked by his peers and provided exceptional clinical care to our patients. Upon passing his NCCPA exam and receiving his licensure by the state of Ohio, I didn't hesitate to offer him a contractual position as a PA in our practice.
>
> * * *
>
> In late November or early December Mr. Jones contacted me wanting advice regarding the renewal of his licensure with the Ohio State Medical Board. Mr. Jones stated there were several questions requiring affirmative responses on his renewal application. Mr. Jones wanted to advise them of this directly, stating he felt this was the honorable thing to do. I advised Mr. Jones that I felt he was to be commended for this credible approach. I even informed Mr. Jones that I would be happy to make the contact to the Medical Board for him if he wanted me to.
>
> It is my understanding that Mr. Jones contacted the Ohio State Medical Board in December regarding the affirmative answers in his renewal application. I also know that Mr. Jones has been proactive and cooperative

> regarding his treatment program, which has been approved by the Medina County Court of Ohio.
>
> I truly believe Mr. Jones is an asset to the medical community and to society. I do not feel that Mr. Jones has ever compromised my practice with any signs of impairment while in my employ. His openness and honesty regarding his legal matters only emphasize the degree of integrity this young man possesses. I also believe it would be an injustice to the medical profession as well as a great loss to the community not to reinstate Mr. Jones' medical PA licensure.

(Resp. Ex. D).

Mr. Jones testified that Francis J. Grego, PA-C, the Head Supervising Physician Assistant at University Hospitals, has been inquiring when Mr. Jones may start work again. Mr. Jones stated that Mr. Grego "would accept me back as soon as I could get back." (Tr. at 51). Mr. Grego also submitted a letter of support for Mr. Jones. In it, he states,

> I am hopeful that the Ohio State Medical Board will soon permit Mr. Jones to begin practicing clinically again as a physician assistant. Our profession is one that needs more colleagues like Mr. Jones in that it needs individuals that are caring, honest, and enthusiastic about their work.

(Resp. Ex. C).

9. Mr. Jones testified that he is willing to comply with any requirements that the Board may impose. He has a contract with the Ohio Physicians Effectiveness Program [OPEP]. Further, he has recently been evaluated for impairment at Rosary Hall, a Board-approved treatment provider. The results of the evaluation were not available at the time of hearing. The Hearing Examiner held the record open for one week to allow the addition of the report, but it was not submitted. (Tr. at 54-55, 78-79, 86-87; Resp. Ex. G).

FINDINGS OF FACT

On September 26, 2003, the Court of Common Pleas of Medina County, Ohio, found Jeffrey Thomas Jones, P.A., eligible for treatment in lieu of conviction, and granted Mr. Jones's motion for treatment in lieu of conviction. Mr. Jones then pleaded guilty to one felony count of Possession of Drugs (Anabolic Steroids), a violation of Section 2925.11(A)(C)(2)(c), Ohio Revised Code. The facts underlying Mr. Jones's guilty plea involved his obtaining, possessing, or using 986 unit doses of Anabolic Steroids (Stanozolol), a Schedule III, controlled substance.

CONCLUSIONS OF LAW

1. The guilty plea of Jeffrey Thomas Jones, P.A., and the judicial finding of eligibility for intervention in lieu of conviction constitute "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a felony," as that clause is used in Section 4730.25(B)(11), Ohio Revised Code.

2. The judicial finding of eligibility for treatment in lieu of conviction and the conduct to which Mr. Jones pleaded guilty constitute "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4730.25(B)(5), Ohio Revised Code.

3. Mr. Jones's guilty plea and the judicial finding of eligibility for intervention in lieu of conviction constitute "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking drugs," as that clause is used in Section 4730.25(B)(17), Ohio Revised Code.

* * * * *

At hearing, Mr. Jones exuded sincerity and remorse. He has learned the lessons that he needed to learn. He has been forthright with the authorities, with this Board, and his employers. Further, his crime was unrelated to his practice as a physician assistant. He receives the highest of praise from his former employers, and his return to practice is eagerly awaited by himself and those who would employ him again. For these reasons, any further suspension beyond that already served would be excessive.

However, despite the fact that Mr. Jones stopped using steroids ten years before he became a physician assistant, the court's finding of eligibility for treatment in lieu of conviction is sufficient evidence to find that Mr. Jones is impaired. See Rule 4731-16-02(B)(3)(b), Ohio Administrative Code (a request for treatment in lieu of conviction is reliable, substantial, and probative evidence demonstrating impairment, and constitutes independent evidence of impairment). Therefore, a suspension is necessary so that Mr. Jones may complete the standard prerequisites for the return to practice of impaired practitioners, including twenty-eight days of inpatient treatment.

Mr. Jones's eligibility for treatment in lieu of conviction was based on his intermittent use of anabolic steroids (most of which were legally prescribed) from 1986 through 1991. Mr. Jones used steroids to enhance his bodybuilding. Since he no longer competes in bodybuilding, he is extremely unlikely to ever use steroids again. Further, Mr. Jones has no other history of substance abuse. Mr. Jones has been proactive in joining AA and OPEP and is willing to comply with any requirements imposed upon him. For all of these reasons, the Hearing Examiner submits

that Mr. Jones is capable of remaining clean, as he has for the last thirteen years, without strict or lengthy supervision.

PROPOSED ORDER

It is hereby ORDERED that:

A. **SUSPENSION OF CERTIFICATE**: The certificate of Jeffrey Thomas Jones, P.A., to practice as a physician assistant in the State of Ohio shall be SUSPENDED for an indefinite period of time.

B. **INTERIM MONITORING**: During the period that Mr. Jones's certificate to practice as a physician assistant in Ohio is suspended, Mr. Jones shall comply with the following terms, conditions, and limitations:

1. **Obey the Law and Terms of Criminal Probation**: Mr. Jones shall obey all federal, state and local laws; all rules governing the practice of physician assistants in Ohio; and all terms of probation imposed by the Court of Common Pleas of Medina County, Ohio, in criminal case number 03-CR-0250.

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

3. **Quarterly Declarations**: Mr. Jones shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

4. **Evidence of Compliance with the Terms of Criminal Probation**: At the time he submits his quarterly declarations, Mr. Jones shall also submit declarations under penalty of Board disciplinary action or criminal prosecution stating whether he has complied with all the terms, conditions, and limitations imposed by the Court of Common Pleas of Medina County, Ohio in criminal case number 03-CR-0250.

5. **Abstention from Drugs**: Mr. Jones shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of Mr. Jones's history of chemical dependency.

6. **Abstention from Alcohol**: Mr. Jones shall abstain completely from the use of alcohol.

7. **Initiate Drug/Alcohol Treatment**: Within thirty days of the effective date of this Order, or as otherwise approved by the Board, Mr. Jones shall submit to appropriate drug/alcohol treatment, as determined by an informed assessment of his current needs. Such assessment and treatment shall be provided by a treatment provider approved under Section 4731.25 of the Revised Code for treatment of drug and alcohol dependency.

   Prior to the initial assessment, Mr. Jones shall furnish the approved treatment provider copies of the Board's Summary of the Evidence, Findings of Fact, and Conclusions, and any other documentation from the hearing record which the Board may deem appropriate or helpful to the treatment provider. Within ten days after the completion of the initial assessment, or as otherwise determined by the Board, Mr. Jones shall cause a written report to be submitted to the Board from the treatment provider, which report shall include:

   a. A detailed plan of recommended treatment based upon the treatment provider's informed assessment of Mr. Jones's current needs;

   b. A statement indicating that Mr. Jones entered into or commenced the recommended treatment program within forty-eight hours of its determination;

   c. A copy of a treatment contract signed by Mr. Jones establishing the terms of treatment and aftercare, including any required supervision or restrictions on practice during treatment or aftercare; and

   d. A statement indicating that the treatment provider will immediately report to the Board any failure by Mr. Jones to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare.

8. **Comply with the Terms of Treatment and Aftercare Contract**: Mr. Jones shall maintain continued compliance with the terms of the treatment and aftercare contracts entered into with his treatment provider, provided that, where terms of the treatment and aftercare contract conflict with terms of this Order, the terms of this Order shall control.

9. **Drug & Alcohol Screens; Supervising Physician**: Mr. Jones shall submit to random urine screenings for drugs and/or alcohol on a weekly basis or as otherwise directed by the Board. Mr. Jones shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

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

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

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

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

   [Note: For purposes of this Order, the supervising physician specified in this paragraph is not necessarily a physician identified in the physician assistant utilization plan[s] under which Mr. Jones is practicing as a physician assistant.]

10. **Submission of Blood or Urine Specimens upon Request**: Mr. Jones shall submit blood and urine specimens for analysis without prior notice at such times as the Board may request, at Mr. Jones's expense.

11. **Rehabilitation Program**: Mr. Jones shall maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week, unless otherwise determined by the Board. Substitution of any other specific program must receive prior Board approval. Mr. Jones shall submit acceptable documentary evidence of continuing compliance with this program, which must be received in the Board's offices no later than the due date for Mr. Jones's quarterly declarations.

12. **Continued Compliance with a Contract with an Impaired Physicians Committee**: Mr. Jones shall maintain continued compliance with the terms of the contract entered into with OPEP, or with another impaired physicians committee, approved by the Board, to assure continuous assistance in recovery and/or aftercare.

C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION**: The Board shall not consider reinstatement or restoration of Mr. Jones's certificate to practice as a physician assistant until all of the following conditions have been met:

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

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

3. **Certification of Compliance with the Terms of Criminal Probation**: At the time he submits his application for reinstatement or restoration, Mr. Jones shall submit to the Board certification from the Court of Common Pleas of Medina County, Ohio, dated no earlier than sixty days prior to Mr. Jones's application for reinstatement or restoration, indicating that Mr. Jones has maintained full compliance with terms of probation in criminal case number 03-CR-0250.

4. **Completion of Inpatient Treatment**: Mr. Jones shall complete the inpatient or residential treatment, or a combination thereof, for his chemical dependency which was required under Subsection (B)(7). Such inpatient or residential treatment shall be completed without interruption. Further, such inpatient or residential treatment shall be provided in accordance with Rule 4731-16-08(A)(13), Ohio Administrative Code, by a treatment provider approved under Section 4731.25, Ohio Revised Code.

   In addition, upon discharge from treatment, Mr. Jones shall enter into, and thereafter maintain compliance with, a post-discharge aftercare contract which complies with Rule 4731-16-10, Ohio Administrative Code, with a treatment provider approved under Section 4731.25, Ohio Revised Code, who has access to Mr. Jones's treatment records.

5. **Demonstration of Ability to Resume Practice**: Mr. Jones shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:

   a. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Mr. Jones has successfully completed any required inpatient treatment.

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

   c. Evidence of continuing full compliance with this Order.

   d. Two written reports indicating that Mr. Jones's ability to practice has been evaluated for chemical dependency and/or impairment and that he has been found capable of practicing according to acceptable and prevailing standards of care. The evaluations shall have been performed by individuals or providers approved by the Board for making such evaluations. Moreover, the evaluations shall have been performed within sixty days prior to Mr. Jones's application for reinstatement or restoration. The reports of evaluation shall describe with particularity the bases for the determination that Mr. Jones has been found capable of practicing according to acceptable and prevailing standards of care and shall include any recommended limitations upon his practice.

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

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

2. **Tolling of Probationary Period While Out of State**: In the event that Mr. Jones should leave Ohio for three consecutive months, or reside or practice outside the State, Mr. Jones must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the

Board can be assured that the purposes of the probationary monitoring are being fulfilled.

3. **Noncompliance Will Not Reduce Probationary Period**: In the event Mr. Jones is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

4. **Violation of Terms of Probation**: If Mr. Jones violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

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

F. **RELEASES**: Mr. Jones shall provide continuing 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. Jones's chemical dependency and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluations 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.

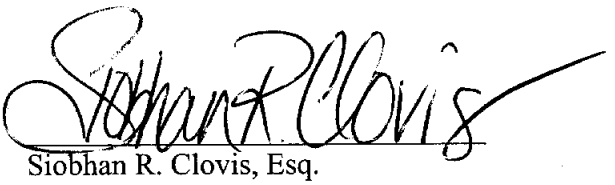
Mr. Jones shall also provide the Board written consent permitting any treatment provider from whom Mr. Jones obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

G. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS**: Within thirty days of the effective date of this Order, Mr. Jones 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. Jones 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. Further, Mr. Jones shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

H. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES**: Within thirty days of the effective date of this Order, Mr. Jones 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. Jones 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. Jones shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

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



Siobhan R. Clovis, Esq.
Hearing Examiner

State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF JULY 14, 2004

REPORTS AND RECOMMENDATIONS

Ms. Sloan announced that the Board would now consider the findings and orders appearing on the Board's agenda. She asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Jeremy Amps, M.D.; Robert A. Berkman, M.D.; Jeremy John Burdge, M.D.; David A. Hoxie, M.D.; Jeffrey Thomas Jones, P.A.; Tom Reutti Starr, M.D.; and Karen Ann Vossler, M.T. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Ms. Sloan	- aye

Ms. Sloan 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
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye

Dr. Robbins	- aye
Dr. Garg	- aye
Dr. Steinbergh	- aye
Ms. Sloan	- aye

Ms. Sloan 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.

Ms. Sloan 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.

.....

Dr. Talmage left the meeting at this time.

JEFFREY THOMAS JONES, P.A.

.....

DR. GARG MOVED TO APPROVE AND CONFIRM MS. CLOVIS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JEFFREY THOMAS JONES, P.A. DR. BHATI SECONDED THE MOTION.

.....

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

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye

Dr. Steinbergh - aye

The motion carried.

State Medical Board of Ohio

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NOTICE OF IMMEDIATE SUSPENSION
AND
OPPORTUNITY FOR HEARING

February 11, 2004

Jeffrey Thomas Jones, P.A.
309 Aultman Ave. NW
Canton, OH 44708

Dear Mr. Jones:

In accordance with Sections 2929.42 and/or 3719.12, Ohio Revised Code, the Office of the Prosecuting Attorney of Medina County, Ohio, reported that on or about September 26, 2003, in the Court of Common Pleas for Medina County, Ohio, you pleaded guilty to one felony count of Possession of Drugs (Anabolic Steroids), in violation of Section 2925.11(A)(C)(2)(c), Ohio Revised Code, and were found eligible for intervention in lieu of conviction.

Therefore, pursuant to Section 3719.121(C), Ohio Revised Code, you are hereby notified that your certificate of registration to as a physician assistant in the State of Ohio is immediately suspended. Continued practice after this suspension shall be considered practicing as a physician assistant without a certificate of registration in violation of Section 4730.02, Ohio Revised Code.

Furthermore, 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, suspend, refuse to register or reinstate your certificate of registration to practice as a physician assistant, or to reprimand or place you on probation for one or more of the following reasons:

(1) On or about September 26, 2003, in the Court of Common Pleas for Medina County, Ohio, the Court granted your motion for intervention in lieu of conviction upon finding that you were found eligible for intervention in lieu of conviction. On such date, you also entered a plea of guilty to one felony count of Possession of Drugs (Anabolic Steroids), in violation of Section 2925.11(A)(C)(2)(c), Ohio Revised Code. The facts underlying your guilty plea involved you obtaining, possessing, or using 986 unit doses of Anabolic

Mailed 2-12-04

Steroids (Stanozolol), a Schedule III, controlled substance. Copies of the Indictment and Journal Entry are attached hereto and incorporated herein.

Your plea of guilty and/or the judicial finding of eligibility for intervention in lieu of conviction as alleged in paragraph (1) above, individually and/or collectively, constitute "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a felony," as that clause is used in Section 4730.25(B)(11), Ohio Revised Code.

Further, the judicial finding of eligibility for intervention in lieu of conviction and your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4730.25(B)(5), Ohio Revised Code. In addition, pursuant to Rule 4731-16-02(B)(3)(b), your request for treatment/intervention in lieu of conviction is reliable, substantial, and probative evidence demonstrating impairment and also constitutes independent of impairment.

Further, your plea of guilty and/or the judicial finding of eligibility for intervention in lieu of conviction as alleged in paragraph (1) above, individually and/or collectively constitute "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking drugs," as that clause is used in Section 4730.25(B)(17), Ohio Revised Code.

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

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

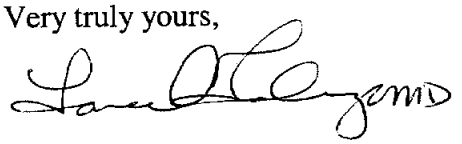
In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently

revoke, suspend, refuse to register or reinstate your certificate of registration to practice as a physician assistant 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, 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,



Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5150 7377
RETURN RECEIPT REQUESTED

COMMON PLEAS COURT

03 JUN -5 PM 4: 19

FILED
KATHY FORTNEY
MEDINA COUNTY
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
MEDINA COUNTY, OHIO

THE STATE OF OHIO)

MEDINA COUNTY) SS:

INDICTMENT FOR POSSESSION OF DRUGS
(ANABOLIC STEROIDS, SCH. III)
2925.11(A)(C)(2)(c) ~~(F-3)~~ (F-4)

CASE NUMBER 03-CR-0250

In the Court of Common Pleas, Medina County, Ohio, of the Grand Jury Term Beginning April 1st, in the year of our Lord, Two Thousand and Three.

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Medina County, in the State of Ohio, in late of said County, in the name and by the authority of the State of Ohio, upon their oath, do find and present that on or about the 4th day of January, in the year of Our Lord, 2002, within the County of Medina, aforesaid

JEFFREY T. JONES

unlawfully did, knowingly, obtain, possess, or use Anabolic Steroids (Stanozolol), a Schedule III, controlled substance, in an amount that exceeds the bulk amount, but is less than fifty times the bulk amount, to-wit: 986 unit doses, in violation of Section 2925.11(A)(C)(2)(c) of the Ohio Revised Code, a felony of the third degree (F-4) * ~~(F-3)~~, contrary to the statute in such cases made and provided and against the peace and dignity of the State of Ohio.

DEAN HOLMAN
Prosecuting Attorney Medina County

A TRUE BILL

Foreperson, Grand Jury

* indictment amended
8-27-03 (VL 1250 PG 505)

MEDINA COUNTY COURT OF COMMON PLEAS-STATE OF OHIO, MEDINA COUNTY, SS
I hereby certify that this is a true copy of the original on file in said court.
Witness my hand and the seal of said court at Medina, Ohio this 17 day of December, 2003
Kathy Fortney, Clerk of Courts
By _____ Deputy

COMMON PLEAS COURT
03 OCT -2 PM 1:58
FILED
KATHY FORTNEY
MEDINA COUNTY
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
MEDINA COUNTY, OHIO

STATE OF OHIO,	)	CASE NO. 03-CR-0250
	)	
Plaintiff,	)	JUDGE CHRISTOPHER J. COLLIER
	)	
v.	)	
	)	
JEFFREY T. JONES,	)	
	)	
Defendant.	)	**JOURNAL ENTRY**

This case was set for a hearing on the defendant's motion for intervention in lieu of conviction on September 26, 2003, before the Honorable Christopher J. Collier, Judge of the Court of Common Pleas, Medina County, Ohio. The State of Ohio was represented by Scott G. Salisbury, Assistant Prosecutor. The defendant was in court with his counsel, Rick Pitinii.

The Court found the defendant met all of the criteria necessary for intervention in lieu of conviction and granted the defendant's motion over the State's objection.

The defendant, through his counsel, indicated that he wished to withdraw his previous plea of not guilty and enter a plea of "Guilty" to the charge of the Indictment. The Court then inquired of the defendant as to whether or not he understood his Criminal Rule 11 and Constitutional Rights. Having been satisfied that the defendant had a proper understanding of his Criminal Rule 11 and Constitutional Rights and that said plea is knowingly, intelligently, and voluntarily made in open court and upon the record, the Court accepted the defendant's plea of "Guilty" to "Possession of Drugs (Anabolic Steroids)", in violation of R.C. 2925.11(A)(C)(2)(c), a felony of the fourth degree. The defendant waived presentation of evidence, and the Court made no finding at this time.

MEDINA COUNTY COURT OF COMMON PLEAS-STATE OF OHIO, MEDINA COUNTY, SS
I hereby certify that this is a true copy of the original on file in said court
Witness my hand and the seal of said court at Medina, Ohio this 12
day of December, 2003. Kathy Fortney, Clerk of Court
By _____ Deputy

The defendant is ordered into treatment at Southwest General Health Center. He must follow all rules and regulations of said treatment. The defendant shall be on community control for a period of 2 years, subject to general supervision of the Adult Probation Department. Costs are assessed against the defendant for which judgment shall issue.

IT IS SO ORDERED.

THE HONORABLE CHRISTOPHER J. COLLIER