

# 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

February 11, 2009

Kerrie Van Wagoner, P.A.  
352 Pine Court, Apt. A  
Bellbrook, OH 45305

RE: Case No. 08-CRF-006

Dear Ms. Van Wagoner:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 11, 2009, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

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

THE STATE MEDICAL BOARD OF OHIO

*Lance A. Talmage MD*  
Lance A. Talmage, M.D. *rw*  
Secretary

LAT:jam  
Enclosures

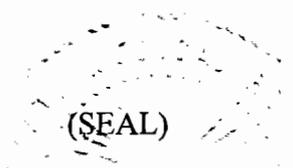
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RETURN RECEIPT REQUESTED

*Mailed 2-13-09*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 11, 2009, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Kerrie Van Wagoner, P.A., Case No. 08-CRF-006, 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)

*Lance A. Talmage, M.D.*

\_\_\_\_\_  
Lance A. Talmage, M.D. *rw*  
Secretary

February 11, 2009

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

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CASE NO. 08-CRF-006

KERRIE VAN WAGONER, P.A.

\*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on February 11, 2009.

Upon the Report and Recommendation of Gretchen L. Petrucci, 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:

The certificate of Kerrie Van Wagoner, P.A., to practice as a physician assistant in the State of Ohio shall be REVOKED.

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



Lance A. Talmage MD  
Lance A. Talmage, M.D. RW  
Secretary

February 11, 2009  
Date

2008 DEC 22 P 1:01

**REPORT AND RECOMMENDATION  
IN THE MATTER OF KERRIE VAN WAGONER, P.A.  
Case No. 08-CRF-006**

The Matter of Kerrie Van Wagoner, P.A., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on November 5, 2008.

**INTRODUCTION**

Basis for Hearing

By letter dated January 9, 2008, the State Medical Board of Ohio [Board] notified Kerrie Van Wagoner, P.A., that it intended to determine whether to take disciplinary action against her certificate to practice as a physician assistant in Ohio. The Board based its action on the allegation that Ms. Van Wagoner had violated six terms and conditions contained within her June 13, 2007, Step 1 Consent Agreement with the Board. Further, the Board alleged that Ms. Van Wagoner's acts, conduct and/or omissions constitute "[v]iolation of the conditions placed by the board on a certificate to practice as a physician assistant, a certificate to prescribe, a physician supervisory plan, or supervision agreement," as set forth in Section 4730.25(B)(20), Ohio Revised Code. Accordingly, the Board advised Ms. Van Wagoner of her right to request a hearing in this matter. (State's Exhibits 1A at 1-3, 1B at 1-3)

By letter received by the Board on March 12, 2008, Ms. Van Wagoner requested a hearing. (State's Exhibit 1C)

Appearances at the Hearing

Nancy H. Rogers, Attorney General, by Barbara J. Pfeiffer, Assistant Attorney General, on behalf of the State of Ohio.

Ms. Van Wagoner appeared on her own behalf.

**EVIDENCE EXAMINED**

Testimony Heard

Kerrie Van Wagoner, P.A.

Exhibits Examined

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

State's Exhibit 2: Certified copies of the January 9, 2008, letter to Ms. Van Wagoner from the Board, and the June 13, 2007, Step 1 Consent Agreement between Ms. Van Wagoner and the Board.

Respondent's Exhibit A: Ms. Van Wagoner's toxicology/drug screen results between July 25, and October 24, 2008.

Respondent's Exhibit B: Ms. Van Wagoner's recovery group attendance logs from August 5 through October 31, 2008. [Admitted under seal.]

### **PROCEDURAL MATTER**

The Hearing Examiner held the record open to allow Ms. Van Wagoner the opportunity to provide an additional exhibit. (Hearing Transcript at 78) During a conference call on November 20, 2008, Ms. Van Wagoner asked for some additional time to obtain that exhibit. The State was agreeable to the extension, and the Hearing Examiner allowed Ms. Van Wagoner until December 1, 2008, to provide that additional exhibit. The exhibit was not produced, and the record closed on December 1, 2008.

### **SUMMARY OF THE EVIDENCE**

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

#### **Ms. Van Wagoner's Background and Her Physician Assistant Certificate**

1. Kerrie Van Wagoner, P.A., was born in 1966. She attended the Kettering College of Medical Arts and earned a physician assistant [PA] degree in 2000. (Ohio E-License Center, Dec. 10, 2008, <<https://license.ohio.gov/Lookup>>)
2. In November 2000, the Board issued a temporary PA certificate to Ms. Van Wagoner, authorizing her to practice as a PA in Ohio. In March 2002, the Board issued a full PA certificate to Ms. Van Wagoner. Thereafter, Ms. Van Wagoner worked in Ohio as a physician assistant until April 2007. Her certificate expired in January 2008. (Hearing Transcript [Tr.] at 16, 28; Ohio E-License Center, Dec. 10, 2008, <<https://license.ohio.gov/Lookup>>)
3. In April 2007, Ms. Van Wagoner voluntarily underwent a 72-hour evaluation at The Woods at Parkside [Parkside], a Board-approved treatment provider. She then entered inpatient treatment at Parkside for 28 days. She was diagnosed with opiate dependence and mixed anxiety depression, and was found to be impaired in her ability to practice as a PA. (State's Exhibit [St. Ex.] 2 at 4)

4. Prior to entering treatment at Parkside, Ms. Van Wagoner had been prescribed opiates for the previous four or five years, in order to treat migraine headaches. She had been taking “up to 180 tablets of Vicoprofen per month.”<sup>1</sup> (St. Ex. 2 at 4)

**June 13, 2007, Step 1 Consent Agreement**

5. Ms. Van Wagoner and the Board entered into a Step 1 Consent Agreement in June 2007. That agreement became effective on June 13, 2007. (St. Ex. 2 at 3-10)
6. Pursuant to that agreement, Ms. Van Wagoner’s PA certificate was suspended for an indefinite period of time. Additionally, Ms. Van Wagoner agreed to a number of other terms and conditions, including the following six items:
  - Ms. Van Wagoner 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 the Consent Agreement. (Paragraph 5)
  - Ms. Van Wagoner shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of the Consent Agreement. (Paragraph 6)
  - Ms. Van Wagoner shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board, and shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. (Paragraph 7)
  - Within 30 days of the effective date of the Consent Agreement, Ms. Van Wagoner shall submit to the Board for its prior approval the name of a supervising physician to whom Ms. Van Wagoner shall submit the required urine specimens. (Paragraph 7)
  - Ms. Van Wagoner shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities. (Paragraph 7)

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<sup>1</sup>Ms. Van Wagoner testified that Vicoprofen is a form of hydrocodone. It is a combination of Vicodin and Ibuprofen. It is only manufactured in 7.5 milligram tablets, and 180 tablets per month equates to approximately six tablets per day. (Tr. at 50, 60-61, 63-64)

- Within 30 days of the effective date of the Consent Agreement, Ms. Van Wagoner shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Ms. Van Wagoner 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 Ms. Van Wagoner's quarterly declarations. (Paragraph 9)

(State's Ex. 2 at 5-7)

### **Ms. Van Wagoner's Admissions and Explanation**

7. Ms. Van Wagoner admitted that, from the time she entered into the Step 1 Consent Agreement in June 2007 to at least January 8, 2008, she had failed to comply with the above six requirements. (Tr. at 19-23)
8. Ms. Van Wagoner testified that she had signed the Step 1 Consent Agreement in June 2007 because it was the next thing that she needed to do at that time. She admitted that she had not thought it through well enough, and had not been able to handle the obligations. Ms. Van Wagoner explained that, after executing the Step 1 Consent Agreement, she had ignored the obligations in the agreement. (Tr. at 52) In particular, she testified as follows:

And I was in rehab for 28 days. It was not the most pleasant experience ever. And then when I got out of rehab, okay, "Now you have to do this. Now we're going to follow you for five years. Now you have to do drug screens three times a week -- or, you know, every week. And you're going to have to do this."

And I was just like, "Oh, I can't do this." It was just, "Hold on. I'll work at the mall. Just this is -- I can't deal with all this at the time." If I was emotionally able to handle it, I don't know. And I am hoping to find that out, to be honest with you, meeting with the counselor.

So I signed the Consent Agreement, and I was just sort of signing and doing and going. And then I just said, "I can't do it." I wish I knew -- If I had to do it over again, of course, I would not have taken the course that I did. My family's like, "What are you doing?" My friends are like, "What are you doing?" "Well, I -- I'm doing what I want to do right now."

So at some point, I was working at BW-3s, I think, straightening the ketchup packets, and I thought this is ridiculous. I have wanted to be a doctor since I was five years old. I am about to blow all these years of schooling, all this stuff that I worked for. I think I'm a pretty good P.A. I had lots of patients asking about me when I left and all that. I have got to do what I need to do to get my license back.

\* \* \*

And the difficult thing on top of everything else was that I had these felony charges. And so I had a felony on my lic- -- or, my record. So when I tried to get a job, I couldn't work because of this felony.

So it made it difficult to -- I was trying to get my own life together. No money. My church has started to pay my rent. My mom was paying my car payment. It was just ridiculous. So it was difficult for me to start getting everything down, every week, every week, getting things faxed over on the 1st.

(Tr. at 41-43)

### **Ms. Van Wagoner's Current Compliance Efforts**

9. Ms. Van Wagoner explained what she has done since January 8, 2008, in order to comply with each of the six requirements:

- With regard to the declarations of compliance, Ms. Van Wagoner testified that she has provided only one declaration, in July 2008. In response to a question asking why she had not submitted a declaration three months after July 2008, she testified as follows:

I did not know I had to do that. I'm sorry. I did that -- I wasn't aware I needed to do that. Apparently, I didn't pay close enough attention to this section. No reason that I avoided it on purpose. I'm sorry.

(Tr. at 35-36)

- With regard to her appearance before the full Board, Ms. Van Wagoner testified that she did appear before the full Board, but did not do so in the time frame set forth in the Step 1 Consent Agreement. She stated that she had appeared before the full Board in June or July 2008. (Tr. at 19-20, 25)
- With regard to a supervising physician, Ms. Van Wagoner explained that she initially had provided urine specimens to her former physician, Dr. Donnini, and she believes that she had submitted his name to the Board, but he was not approved. She explained that, eventually, Dr. Donnini no longer wanted to collect her urine specimens. She testified that, later, her general practitioner, Dr. George Kaiser, began obtaining the urine specimens, and she has submitted his name to the Board for approval, but he has not been approved. Furthermore, she acknowledged

that she has not informed Dr. Kaiser that he also needs to provide quarterly reports to the Board. (Tr. at 27, 29-30, 51, 57)

- With regard to the frequency of her urine screens, Ms. Van Wagoner testified that she had not initially obtained any urine screens and, when she began to obtain them, they were not obtained on a weekly basis. She stated that the amount of urine screens “has not been perfect,” but it has gotten better and more frequent since May 2008. (Tr. at 31)
- Similarly, with regard to the recovery group meetings, Ms. Van Wagoner agreed that initially she did not attend any meetings and, when she started attending those meetings, she did not attend three times per week, but her attendance has improved over time. She testified that she currently attends those meetings three times per week and is currently providing the Board with documentation of her attendance. (Tr. at 33)

### **Ms. Van Wagoner’s Current Situation and Outlook**

10. Ms. Van Wagoner explained her current situation is very different from her situation in June 2007 because she has put her priorities “on track,” has reestablished her goals, and can see herself as a P.A. and practicing medicine again. She estimated that she is now approximately 85 percent compliant with the terms and conditions of the Step 1 Consent Agreement. (Tr. at 53, 57) Moreover, Ms. Van Wagoner testified:

And I feel I am doing better. I am in counseling.<sup>2</sup>

I have a headache evaluation on November the 10th to figure out medication for headaches, if I can afford it. I may have to reschedule it but -- because it’s 300-and-some dollars for a new patient. So I’m trying to figure that out so I can do what I need to do there.

At this point, things are looking better. My felony’s been expunged. So when I say I’m not working, I don’t have a -- an official job. I’m working for a lady at the church. She’s paying me per hour to organize her home, which is huge. So I am earning money. I actually paid my own rent this past month, which was -- sounds silly, but it was a huge deal for me.

\* \* \*

So then seeing the counselors -- Yeah, whatever I need to do is fine.

\* \* \*

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<sup>2</sup>The counseling is not recovery-related counseling at this time. (Tr. at 55)

At this point, I think I kind of get it. And, you know, if I have to be monitored contin- -- you know, it's not for me to say whether I -- you know, so. . . .

(Tr. at 43-45; see also Tr. at 54)

### Other Information

11. Ms. Van Wagoner stated that, pursuant to a court order related to her felony conviction, she was required to see a drug addiction specialist. She noted that she had complied with that requirement, and the evaluator, Dr. Mark Thomas, diagnosed her with pseudoaddiction and depression, not chemical dependence.<sup>3</sup> (Tr. at 46)
12. Ms. Van Wagoner stated that she had explained to Dr. Kaiser what lead to the concerns with her impairment and criminal conviction, her P.A. license suspension, and her inpatient treatment. She acknowledged that she had not provided him with a copy of the Step 1 Consent Agreement because she did not believe that she had to provide him with a copy. Ms. Van Wagoner admitted that it would have been helpful to Dr. Kaiser to have received a copy of the Step 1 Consent Agreement. However, she did provide him with Dr. Thomas' evaluation. She testified that Dr. Kaiser currently prescribes Vicoprofen for her. (Tr. at 28-29, 47, 48, 51)
13. Ms. Van Wagoner explained that she takes Vicoprofen for migraine, tension headaches. She testified that she has had such headaches since she was a child, and there are several reasons why she gets the headaches. She noted that the Vicoprofen prevents the headaches. Additionally, she pointed out that, for several months after completing inpatient treatment at Parkside, she did not take Vicoprofen. However, she had received samples of other prescription medications, including Axert and Zomig. (Tr. at 48-50, 59)

Currently, Ms. Van Wagoner takes two to four, 7.5 milligram tablets of Vicoprofen each day. The prescription is written to allow her to take Vicoprofen four times a day. (Tr. at 50, 65) When asked how she is handling the Vicoprofen because it is the same medication upon which she has been found to be chemically dependent, the following exchange took place:

- A. \* \* \* I am being monitored on a monthly basis by Dr. Kaiser.<sup>4</sup> \* \* \*
- So to answer your question, I believe I am able to handle the amount of medication that I am taking. I don't take it all when I get it. I am monitoring it. I have an appointment with a headache specialist on November 10th. Again, hopefully I can afford it; if I can't, I'll reschedule.

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<sup>3</sup>The record does not contain documentation from Dr. Thomas regarding his evaluation or his diagnosis. The record contains an admission by Ms. Van Wagoner that Parkside diagnosed her with opiate dependence and mixed anxiety depression. (St. Ex. 2 at 4)

<sup>4</sup>Ms. Van Wagoner later testified that Dr. Kaiser does not monitor her on a monthly basis, but stated that "maybe I meant to say weekly when I go in for my urine screens." (Tr. at 67)

Q. Have you taken any of the Vicoprofen out of compliance with the prescription order of two to four per day since you have been out of treatment?

A. No.

Q. At any time?

A. Maybe one extra here or there, but I am not – I'm not abusing the medication, I'm really not.

Q. You don't consider taking it in an amount in excess of what is prescribed as abusing, from your perspective?

A. I don't know how to answer that.

Q. Okay.

A. I shouldn't take it other than prescribed, so...

(Tr. at 61-63)

14. Ms. Van Wagoner noted that Dr. Kaiser does not charge her a fee when she provides a urine specimen, and that has allowed her to afford the urine screening done to date. She noted that, "if there is something the Board wants me to change about that and I can afford to go to somebody completely independent, I have no problem with that." (Tr. at 45)

15. Additionally, Ms. Van Wagoner testified that her urine screens have mostly been positive for Vicoprofen (hydrocodone), and one was positive for alprazolam (Xanax). (Tr. at 57) The toxicology results that Ms. Van Wagoner presented show the following:

- Between July 25 and October 24, 2008 (14 weeks), she provided 13 urine specimens.
- Eleven of the 13 specimens were actually tested, and two were rejected because they were unlabeled and did not meet federal regulations for specimen identification.
- Nine of the eleven tested specimens were positive for hydrocodone and the metabolite hydromorphone.<sup>5</sup>

(Resp. Ex. A)

16. Ms. Van Wagoner explained that the recovery group meetings are helpful to her, especially the Caduceus meetings where she feels a bit more relatable. She has a sponsor; Ms. Van

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<sup>5</sup>Hydromorphone is a metabolite of hydrocodone. (Resp. Ex. A)

Wagoner is not sure if her sponsor knows that she is currently taking Vicoprofen. She presented logs of her attendance at those meetings from August 5 through October 31, 2008. The logs reflect that she has attended 38 meetings.<sup>6</sup> (Tr. at 55-56, 66; Resp. Ex. B)

### FINDINGS OF FACT

1. Effective June 13, 2007, Kerrie Van Wagoner entered into a Step 1 Consent Agreement based upon her violation of Section 4730.25(B)(5), Ohio Revised Code, “[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.”

The June 2007 Step 1 Consent Agreement suspended Ms. Van Wagoner’s certificate to practice as a physician assistant for an indefinite period of time, and imposed a number of terms, conditions, and limitations. To date, Ms. Van Wagoner remains subject to the June 2007 Step 1 Consent Agreement.

2. Paragraph 5 of the June 2007 Step 1 Consent Agreement requires Ms. Van Wagoner to submit quarterly declarations stating whether there has been compliance with all the conditions of the Consent Agreement. Despite this requirement, Ms. Van Wagoner failed to submit any quarterly declarations until July 2008.
3. Paragraph 6 of the June 2007 Step 1 Consent Agreement requires Ms. Van Wagoner to appear in person for an interview before the full Board or its designated representative during the third month following the effective date of the Consent Agreement. Despite this requirement, Ms. Van Wagoner failed to appear before the full Board for her interview until June or July 2008.
4. Paragraph 7 of the June 2007 Step 1 Consent Agreement requires Ms. Van Wagoner to submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board, and to ensure that the screening reports are forwarded to the Board on a quarterly basis.

Despite this requirement, the Board did not receive any urine screening reports until after January 9, 2008. No evidence establishes the exact date after January 9, 2008, when the Board began receiving urine screening reports for Ms. Van Wagoner.

5. Paragraph 7 of the June 2007 Step 1 Consent Agreement also requires Ms. Van Wagoner, within 30 days of the effective date of the Consent Agreement, to submit to the Board for its prior approval the name of a supervising physician to whom Ms. Van Wagoner would submit the required urine specimens.

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<sup>6</sup>Between August 5 and October 31, 2008, there are 13 weeks. If one considers a week to run from Monday to Sunday, Ms. Van Wagoner complied with the requirement to attend meetings no less than three times per week for 12 of those 13 weeks. If one considers a week to run from Sunday to Saturday, Ms. Van Wagoner complied with the requirement for 10 of the 13 weeks.

Despite this requirement, Ms. Van Wagoner failed to submit to the Board the name of a supervising physician within 30 days of the effective date of the Consent Agreement. Later, Ms. Van Wagoner proposed two supervising physicians, neither of whom has been approved by the Board.

6. Paragraph 7 of the June 2007 Step 1 Consent Agreement further requires Ms. Van Wagoner to ensure that the supervising physician provides quarterly reports to the Board, verifying whether all urine screens have been conducted in compliance with the Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

Despite this requirement, Ms. Van Wagoner did not ensure that supervising physician reports were provided to the Board between June 2007 and January 9, 2008. The evidence establishes that, at least with her currently proposed supervising physician, Ms. Van Wagoner has not informed him that he needs to provide quarterly reports to the Board.

7. Paragraph 9 of the June 2007 Step 1 Consent Agreement requires Ms. Van Wagoner to undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week, and to submit to the Board documentary evidence of continuing compliance with this program.

Despite this requirement, Ms. Van Wagoner failed to submit to the Board documentary evidence of continuing compliance with an alcohol and drug rehabilitation program between June 2007 and January 9, 2008. Attendance logs establish that, between August 5 and October 31, 2008, Ms. Van Wagoner attended 38 recovery program meetings.

### CONCLUSION OF LAW

Ms. Van Wagoner's acts, conduct and/or omissions, as set forth in Findings of Fact 1 through 7 constitute "[v]iolation of the conditions placed by the board on a certificate to practice as a physician assistant, a certificate to prescribe, a physician supervisory plan, or supervision agreement," as set forth in Section 4730.25(B)(20), Ohio Revised Code.

\* \* \* \* \*

Ms. Van Wagoner has been diagnosed by a Board-approved treatment facility as chemically dependant and impaired, and her PA certificate has been indefinitely suspended for more than 18 months. She failed to comply with multiple, key terms of her Step 1 Consent Agreement, and, at present, she is only partly compliant. More disturbingly, Ms. Van Wagoner admitted at hearing to currently consuming, on a daily basis, the same drug upon which she was previously found to be impaired. Her urine screens verify that consumption for several months.

Ms. Van Wagoner testified at hearing that she now understands and accepts the need to comply with the Step 1 Consent Agreement. However, the Board's disciplinary and monitoring efforts have not

been successful thus far, and Ms. Van Wagoner made no commitment to cease consuming Vicoprofen or to take any specific actions to correct her noncompliance.

Further suspension of Ms. Van Wagoner's expired certificate<sup>7</sup> is unlikely to have any impact, and, given Ms. Van Wagoner's continuing noncompliant status, a stayed revocation does not appear likely to bring Ms. Van Wagoner into compliance either. A nonpermanent revocation of Ms. Van Wagoner's certificate, however, would protect the public, and would put the onus on Ms. Van Wagoner to return to sobriety. She could reapply for licensure in the future if she is attains and maintains sobriety for a sizeable period of time, such as a year.

### PROPOSED ORDER

It is hereby ORDERED, that:

The certificate of Kerrie Van Wagoner, P.A., to practice as a physician assistant in the State of Ohio shall be REVOKED.

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

  
Gretchen L. Petrucci  
Hearing Examiner

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<sup>7</sup>As noted earlier, Ms. Van Wagoner's PA certificate is expired in January 2008. At present, Ms. Van Wagoner can reinstate her PA certificate by simply paying the renewal fee and any other applicable fees, per Section 4730.14(G)(2), Ohio Revised Code. The fact that Ms. Van Wagoner did not renew her PA certificate does not remove or limit the Board's jurisdiction to take disciplinary action in this matter.

# State Medical Board of Ohio

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## EXCERPT FROM THE DRAFT MINUTES OF FERUARY 11, 2009

### REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDER

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

Dr. Madia asked whether each member of the Board had received, read and considered the hearing record; the Findings of Fact, Conclusions of Law and Proposed Orders, and any objections filed in the matters of David Carl Ernst, M.D.; Gary Charles Gelesh, D.O.; Mark Stephen McAllister, M.D.; and Kerrie Van Wagoner, P.A. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

Dr. Madia 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. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye

Dr. Madia - aye

Dr. Madia 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. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

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

KERRIE VAN WAGONER, P.A.

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**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF KERRIE VAN WAGONER, P.A. MR. HAIRSTON SECONDED THE MOTION.**

.....

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

VOTE:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Jacobson	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.



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January 9, 2008

Case number: 08-CRF-006

Kerrie Van Wagoner, P.A.  
3502 Pine Ct. A  
Bellbrook, OH 45305

Dear Ms. Van Wagoner:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, or suspend your certificate to practice 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 June 13, 2007, you entered into a Step I Consent Agreement [June 2007 Step I Consent Agreement] based upon your violation of Section 4730.25(B)(5), Ohio Revised Code, "[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." The June 2007 Step I Consent Agreement suspended your certificate to practice as a physician assistant for an indefinite period of time, and in any event until you cooperate fully in providing the Board with any and all information requested by the Board, including but not limited to factual admissions related to all methods that you used to obtain controlled substances for self-use, and until such time that any and all future criminal charges, if any, related to Paragraph E of the June 2007 Step I Consent Agreement have been fully and finally resolved. Further, you are subject to certain terms, conditions, and limitations, as set forth in the June 2007 Step I Consent Agreement.

*Mailed 1-10-08*

To date, you remain subject to the June 2007 Step I Consent Agreement, a copy of which is attached hereto and incorporated herein.

- (2) Paragraph (5) of the June 2007 Step I Consent Agreement requires you to submit quarterly declarations stating whether there has been compliance with all the conditions of the Consent Agreement. Despite this requirement, you have failed to submit any quarterly declarations.
- (3) Paragraph (6) of the June 2007 Step I Consent Agreement requires you to appear in person for an interview before the full Board or its designated representative during the third month following the effective date of the June 2007 Step I Consent Agreement. Despite this requirement, you have failed to appear before the full Board for your interview.
- (4) Paragraph (7) of the June 2007 Step I Consent Agreement requires you to submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board, and to ensure that screening reports are forwarded to the Board on a quarterly basis. Despite this requirement, the Board has not received any screening reports.

Paragraph (7) of the June 2007 Step I Consent Agreement further requires you, within thirty days of the effective date of the June 2007 Step I Consent Agreement, to submit to the Board for its prior approval the name of a supervising physician to whom you will submit the required urine specimens. Despite this requirement, you have failed to submit to the Board the name of a supervising physician.

Paragraph (7) of the June 2007 Step I Consent Agreement further requires you to ensure that the supervising physician provides quarterly reports to the Board, verifying whether all urine screens have been conducted in compliance with the Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities. Despite this requirement, the Board has not received any supervising physician reports.

- (5) Paragraph (9) of the June 2007 Step I Consent Agreement requires you to undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week, and to submit to the Board documentary evidence of continuing compliance with this program. Despite these requirements, you have failed to submit to the Board documentary evidence of continuing compliance with an alcohol and drug rehabilitation program.

Your acts, conduct, and/or omissions as alleged in paragraph (1) through (5) above, individually and/or collectively, constitute “[v]iolation of the conditions placed by the board on a certificate to practice as a physician assistant, a certificate to prescribe, a physician supervisory 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 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.

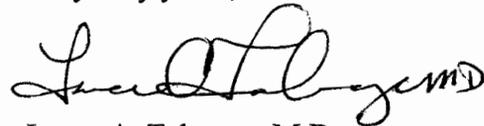
In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke or suspend your certificate to practice as a physician assistant, refuse to issue or reinstate your certificate or to reprimand you 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 to an applicant a certificate to practice as a physician assistant or a certificate to prescribe, revokes an individual’s certificate, refuses to issue a certificate, or refuses to reinstate an individual’s certificate, 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 the certificate and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Kerrie Van Wagoner, P.A.  
Page 4

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", written in a cursive style.

Lance A. Talmage, M.D.  
Secretary

LAT/LAZ/flb  
Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3873 6188  
RETURN RECEIPT REQUESTED

cc: Douglas Graff  
Graff & Associates  
604 E. Rich Street  
Columbus, OH 43215

CERTIFIED MAIL #91 7108 2133 3934 3487 4532  
RETURN RECEIPT REQUESTED

STATE MEDICAL BOARD

2007 JUN 11 P 1:44

**STEP I  
CONSENT AGREEMENT  
BETWEEN  
KERRIE VAN WAGONER, P.A.,  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Kerrie Van Wagoner, P.A., [Ms. Van Wagoner], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapters 4730. and 4731., Ohio Revised Code.

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

**BASIS FOR ACTION**

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

- A. The Board is empowered by Section 4730.25(B)(5), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4730.25(B)(5), Ohio Revised Code, as set forth in Paragraph E below. The Board expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4730. of the Revised Code, whether occurring before or after the effective date of this Agreement, including but not limited to violations based upon any methods used by Ms. Van Wagoner to obtain controlled substances for self-use, violations based upon patient care, and/or violations based upon any criminal acts, indictments or convictions, regardless of whether the acts underlying any of the additional violations are related to, or arise from, the same common nucleus of operative fact as the violation of Section 4730.25(B)(5), Ohio Revised Code, set forth herein.
- C. Ms. Van Wagoner holds a certificate to practice as a physician assistant in the State of Ohio, License # 50.001795.

STEP I CONSENT AGREEMENT  
KERRIE VAN WAGONER, P.A.  
PAGE 2

- D. Ms. Van Wagoner states that she does not hold a certificate to practice as a physician assistant in any other state or jurisdiction.
  
- E. Ms. Van Wagoner admits that on or about April 18, 2007, she voluntarily underwent a 72-hour evaluation at The Woods at Parkside [Parkside], a Board-approved treatment provider, and thereafter entered inpatient treatment at Parkside. Ms. Van Wagoner further admits that the treatment team at Parkside diagnosed her with Opiate Dependence and Mixed Anxiety Depression, determined that she is impaired in her ability to practice as a physician assistant according to acceptable and prevailing standards of care, and recommended treatment. Ms. Van Wagoner states that she has been prescribed opiates, specifically Vicoprofen, for the past four or five years, for treatment of migraine headaches, and admits that she was taking up to 180 tablets of Vicoprofen per month. Ms. Van Wagoner further admits that she is currently participating in Parkside's treatment plan, which includes a minimum of 28 days inpatient treatment, followed by intensive outpatient treatment. Ms. Van Wagoner states that she has not previously had any treatment for chemical dependency prior to the aforementioned treatment at Parkside.

Ms. Van Wagoner admits that, although she previously verbally provided certain factual information related to her history of drug use to Board employees, Ms. Van Wagoner has now chosen, based upon her Fifth Amendment right against self-incrimination, to decline to formally acknowledge certain factual admissions at this time. Ms. Van Wagoner further admits that, although she is not aware of any criminal charges pending against her at this time related to her drug use, it is possible that such charges may be forthcoming in the future. Ms. Van Wagoner expressly states and specifically acknowledges she understands that the Board intends to pursue by separate action any and all violations beyond the violations of Section 4730.25(B)(5), Ohio Revised Code, set forth in this Consent Agreement, even if such additional violations are related to, or arise from, the same common nucleus of operative fact outlined within this Consent Agreement. Further, Ms. Van Wagoner expressly states and specifically acknowledges that subsequent Board Orders may supersede this Step I Consent Agreement and may result in further discipline, up to and including permanent revocation of her certificate to practice as a physician assistant in Ohio.

**AGREED CONDITIONS**

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

**SUSPENSION OF CERTIFICATE**

- 1. The certificate of Ms. Van Wagoner to practice as a physician assistant in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, and in any event shall remain suspended until Ms. Van Wagoner cooperates fully in providing the Board with

STEP I CONSENT AGREEMENT  
KERRIE VAN WAGONER, P.A.  
PAGE 3

any and all information requested by the Board, including but not limited to factual admissions related to all methods used by Ms. Van Wagoner to obtain controlled substances for self-use, and until such time that any and all future criminal charges, if any, related to Paragraph E above have been fully and finally resolved

Sobriety

2. Ms. Van Wagoner shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to her by another so authorized by law who has full knowledge of Ms. Van Wagoner's history of chemical dependency.
3. Ms. Van Wagoner shall abstain completely from the use of alcohol.

Releases: Quarterly Declarations and Appearances

4. Ms. Van Wagoner 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 Ms. Van Wagoner's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Ms. Van Wagoner further agrees to provide the Board written consent permitting any treatment provider from whom she obtains treatment to notify the Board in the event she fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.
5. Ms. Van Wagoner shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective, provided that if the effective date is on or after the sixteenth day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
6. Ms. Van Wagoner shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

STEP 1 CONSENT AGREEMENT  
KERRIE VAN WAGONER, P.A.  
PAGE 4

Drug & Alcohol Screens: Supervising Physician

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

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

Within thirty days of the effective date of this Consent Agreement, Ms. Van Wagoner shall submit to the Board for its prior approval the name of a supervising physician to whom Ms. Van Wagoner shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Ms. Van Wagoner. Ms. Van Wagoner 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.

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

In the event that the designated supervising physician becomes unable or unwilling to so serve, Ms. Van Wagoner must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Ms. Van Wagoner 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 Ms. Van Wagoner's quarterly declaration. It is Ms. Van Wagoner's responsibility to ensure that reports are timely submitted.

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

STEP I CONSENT AGREEMENT  
KERRIE VAN WAGONER, P.A.  
PAGE 5

Rehabilitation Program

9. Within thirty days of the effective date of this Consent Agreement, Ms. Van Wagoner shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Ms. Van Wagoner 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 Ms. Van Wagoner's quarterly declarations.

**CONDITIONS FOR REINSTATEMENT**

10. The Board shall not consider reinstatement of Ms. Van Wagoner's certificate to practice as a physician assistant until all of the following conditions are met:
- a. Ms. Van Wagoner shall submit an application for reinstatement, accompanied by appropriate fees, if any.
  - b. Ms. Van Wagoner shall demonstrate to the satisfaction of the Board that she can resume practice in compliance with acceptable and prevailing standards of care under the provisions of her certificate. Such demonstration shall include but shall not be limited to the following:
    - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Ms. Van Wagoner has successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical dependence, as set forth in Rules 4731-16-02(B)(4) and 4731-16-08(A)(13), Ohio Administrative Code, completed consecutively.
    - ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
    - iii. Evidence of continuing full compliance with this Consent Agreement.
    - iv. Two written reports indicating that Ms. Van Wagoner's ability to practice has been assessed and that she has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Ms. Van

STEP I CONSENT AGREEMENT  
KERRIE VAN WAGONER, P.A.  
PAGE 6

Wagoner. Prior to the assessments, Ms. Van Wagoner shall provide the evaluators with copies of patient records from any evaluations and/or treatment that she has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Ms. Van Wagoner, and any conditions, restrictions, or limitations that should be imposed on Ms. Van Wagoner's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement.

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

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

11. In the event that Ms. Van Wagoner has not been engaged in active practice as a physician assistant 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 Ms. Van Wagoner's fitness to resume practice.

#### REQUIRED REPORTING BY LICENSEE

12. Within thirty days of the effective date of this Consent Agreement, Ms. Van Wagoner shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Ms. Van Wagoner shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or

**STEP I CONSENT AGREEMENT**  
**KERRIE VAN WAGONER, P.A.**  
**PAGE 7**

receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments.

13. Within thirty days of the effective date of this Consent Agreement, Ms. Van Wagoner shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license. Ms. Van Wagoner further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which she applies for any professional license or reinstatement of any professional license. Further, Ms. Van Wagoner shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
14. Ms. Van Wagoner shall provide a copy of this Consent Agreement to all persons and entities that provide Ms. Van Wagoner chemical dependency treatment or monitoring.

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

**FAILURE TO COMPLY**

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

**ACKNOWLEDGMENTS/LIABILITY RELEASE**

Ms. Van Wagoner acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

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

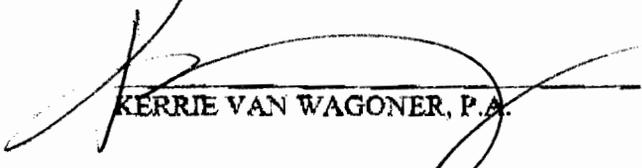
Ms. Van Wagoner hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

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

STEP I CONSENT AGREEMENT  
KERRIE VAN WAGONER, P.A.  
PAGE 8

**EFFECTIVE DATE**

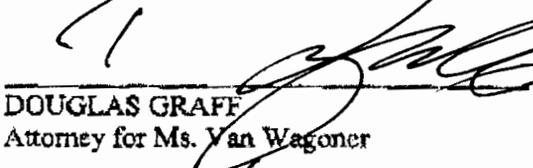
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

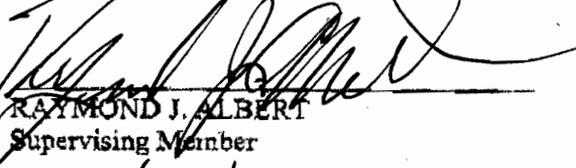
  
KERRIE VAN WAGONER, P.A.

  
LANCE A. TALMAGE, M.D.  
Secretary

6-8-07  
DATE

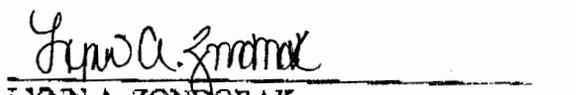
6-13-07  
DATE

  
DOUGLAS GRAFF  
Attorney for Ms. Van Wagoner

  
RAYMOND J. ALBERT  
Supervising Member

6/14/07  
DATE

6/13/07  
DATE

  
LYNN A. ZONDORAK  
Enforcement Attorney

6/12/07  
DATE