

**STATE OF OHIO
THE STATE MEDICAL BOARD
SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY**

1. I, Jeffrey Vaughn Meyer, M.D., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.
2. I, Jeffrey Vaughn Meyer, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35.088466, to the State Medical Board of Ohio [Board], thereby relinquishing all rights to practice medicine and surgery in Ohio. I acknowledge that I have not been permitted to practice medicine and surgery in Ohio since November 8, 2006, the date upon which the Board summarily suspended my license to practice, and understand that as a result of the surrender herein I will not be permitted to practice medicine and surgery in any form or manner in Ohio in the future unless and until the Board grants me a license to so practice, pursuant to the terms, conditions, and limitations set forth herein.
3. I, Jeffrey Vaughn Meyer, M.D., hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order revoking my certificate to practice medicine and surgery, No. 35.088466, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice medicine and surgery.
4. I, Jeffrey Vaughn Meyer, M.D., stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Sections 4731.22(B)(15) and 4731.22(B)(26), Ohio Revised Code, based upon the following facts:

I admit that on or about October 12, 2005, I entered into a Step I Consent Agreement with the Board, based upon my violations of Sections 4731.22(B)(5) Ohio Revised Code, related to making false statements in securing a training certificate to practice medicine and surgery in the state of Ohio [training certificate], and Section 4731.22(B)(26), Ohio Revised Code, related to marijuana abuse. Pursuant to terms of the Step I Consent Agreement, my training certificate was suspended for at least ninety days, and I was subject to terms, conditions and limitations, including complete abstention from the personal use or possession of drugs, except those prescribed, dispensed or administered to me by an authorized person who had full knowledge of my history of chemical abuse and/or dependency.

I admit that on or about August 9, 2006, I entered into a Step II Consent Agreement with the Board, whereby the Board granted to me a certificate to practice medicine and surgery in the state of Ohio, subject to certain probationary terms, conditions and limitations, including complete abstention from alcohol, complete abstention from the personal use or possession of drugs, except those prescribed, dispensed or administered to me by an authorized person who had full knowledge of my history of chemical abuse and/or dependency, submission of weekly screenings for drugs and alcohol, and continued compliance with terms of my Ohio Physicians Health Program advocacy contract.

I admit that on or about November 8, 2006, the Board summarily suspended my certificate to practice medicine and surgery for reasons including that the urine specimen that I provided on or about October 10, 2006, tested positive for marijuana and was GC/MS confirmed for the presence of cannabinoids.

I admit that on or about March 14, 2007, the Board entered an Entry of Order [Order], whereby the Board revoked my certificate to practice medicine and surgery, stayed such revocation, and imposed a 90-day indefinite suspension from November 8, 2006, the effective date of the summary suspension of my certificate to practice medicine and surgery. The Order imposed interim terms and conditions, reinstatement or restoration conditions, and a five-year probationary term upon reinstatement or restoration. A copy of the Order is attached hereto and incorporated herein.

I admit that I am not in compliance with the terms of conditions of the Order, in that I have not provided required documentation, including evidence of my continued sobriety or participation in an alcohol or drug rehabilitation program, such as AA, NA, CA or Caduceus.

5. I, Jeffrey Vaughn Meyer, M.D., further stipulate and agree that I shall be ineligible for, and shall not apply for, reinstatement or restoration of my certificate to practice medicine and surgery No. 35.088466, or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, and any such attempted application of such certificates shall be considered null and void and shall not be processed by the Board on or after the effective date of this Surrender of Certificate to Practice Medicine and Surgery, unless and until all of the foregoing conditions have been met to the satisfaction of the Board:
 - a. Application: I submit an application for reinstatement or restoration, or for issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., [application], accompanied by appropriate fees, if any, and that I submit

such application and fees prior to, or contemporaneous with, submission of any other documentation required by this paragraph.

- b. Continued Compliance with a Contract with an Impaired Physicians Committee: I demonstrate to the satisfaction of the Board that I have maintained continued compliance with the terms of a contract with the Ohio Physicians Health Program or with another impaired physicians committee approved by the Board, for a period of at least two years immediately preceding my application.
- c. Abstention from Use of Drugs and Alcohol for Two Years. I demonstrate with documentation acceptable to the Board, that I have abstained from the use of alcohol and drugs, except those prescribed, dispensed or administered to me by an authorized person who has full knowledge of my history of chemical abuse and/or dependency, for a period of at least two years immediately preceding my application. Such demonstration shall include, at a minimum, documentation of weekly drug and alcohol screens in accordance with a standard testing panel that includes marijuana, with the results of all such drug and alcohol screens being negative.
- d. Participation in Rehabilitation Program for Two Years. I demonstrate with documentation acceptable to the Board that I have participated in an alcohol and drug rehabilitation program, such as AA, NA, CA or Caduceus no less than three times per week, for a period of least two years immediately prior to the date of my application.
- e. Continued Psychological/Psychiatric Treatment. I demonstrate to the satisfaction of the Board that I have undertaken and continued psychological/psychiatric counseling with a licensed psychiatrist or licensed psychologist, approved in advance by the Board, at least every other week for a minimum of twenty sessions immediately prior to the date of my application and that I have complied with my psychological/psychiatric counseling treatment plan. Such demonstration shall include psychotherapy/psychiatric reports from my current Board-approved treating psychiatrist/psychologist that include the following information: current and all past psychological/psychiatric counseling treatment plans and any changes that have been made to said plans; compliance with my psychological/psychiatric treatment plans; descriptions of any noncompliance with my psychological/psychiatric treatment plan; my mental status; and my progress in treatment. In addition, I shall provide to the Board authorization, through appropriate written consent forms, to obtain records from my current treating Board-approved psychiatrist/psychologist, and from any and all mental health treatment providers that have evaluated and/or treated me.
- f. Professional and/or Personal Ethics Course. I shall provide documentation acceptable to the Board of successful completion of a course or courses dealing

with professional and/or personal ethics, with such course(s) having been completed within the year immediately preceding the date of my application. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education Period(s) in which they are completed.

g. Demonstration of Ability to Resume Practice. I demonstrate to the satisfaction of the Board that I can resume practice in compliance with acceptable and prevailing standards of care. 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 I have successfully completed any required inpatient treatment.
- ii. Evidence of continuing full compliance with a post-discharge aftercare contract for a period of not less than two years with a treatment provider approved under Section 4731.25 of the Revised Code, or alternatively, evidence of satisfactory completion of a post-discharge aftercare contract of at least a two year duration with a treatment provider approved under Section 4731.25 of the Revised Code with evidence satisfactory to the Board of continuous sobriety from the date of completion of said aftercare contract through the date of my application. 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. Three written reports indicating that Dr. Meyer's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care.

Two reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Meyer. Prior to the assessments, Dr. Meyer shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Surrender Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Meyer, and any conditions, restrictions, or limitations that should be imposed on Dr. Meyer's practice. The reports shall also describe the basis for the evaluator's determinations.

One report shall be made by a psychiatrist, approved in advance by the Board, who shall conduct a psychiatric examination of Dr. Meyer. Prior to the examination, Dr. Meyer shall provide the psychiatrist with copies of patient records from any prior evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The report from the evaluating psychiatrist shall include the psychiatrist's diagnoses and conclusions; any recommendations for care, counseling, and treatment for the psychiatric diagnoses; any conditions, restrictions, or limitations that should be imposed on Dr. Meyer's practice; and the basis for the psychiatrist'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.

- iv. I demonstrate to the satisfaction of the Board, that I have continuously maintained, and am current with, all Continuing Medical Education required by Ohio law and rule from the date of this surrender to the date of my application.
 - i. Additional Evidence of Fitness to Resume Practice. In the event that I have not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, I agree to, and hereby waive any and all administrative and legal challenges to, the exercise by the Board of its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of my fitness to resume practice.
6. I, Jeffery Vaughn Meyer, M.D., stipulate and agree that I shall enter into a written consent agreement for a probationary term for a minimum of five years duration, and which shall include probationary terms, conditions and limitations as determined by the Board or, if the Board and I are unable to agree on the terms of a written Consent Agreement, then I further agree 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.
7. Upon any future issuance of any certificate by this Board, I, Jeffrey Vaughn Meyer, stipulate and agree that the Board will 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, I 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 I have maintained sobriety.

8. I, Jeffrey Vaughn Meyer, M.D., stipulate and agree that upon any future issuance of any certificate to practice medicine and surgery by this Board, that prior to my commencement of any practice in this state, or as otherwise determined by the Board, I shall submit to the Board and receive its approval for a plan of practice in Ohio. Such practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which my activities will be directly supervised and overseen by a monitoring physician approved by the Board. I shall obtain the Board's prior approval for any alteration to the approved practice plan.

At the time I submit my practice plan, I shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as I practice and who is engaged in the same or similar practice specialty.

The monitoring physician will monitor me and my medical practice and will review my patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on monitoring of me and my medical practice, and on the review of my patient charts. I shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for my quarterly declaration, as such due is established by any future Consent Agreement or Board Order.

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

9. I, Jeffrey Vaughn Meyer, M.D., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.
10. This document 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. I, Jeffrey Vaughn Meyer, M.D., acknowledge that my social security number will be used if this information is so reported and agree to provide my social security number to the Board for such purposes.

11. It is expressly understood that this Surrender of Certificate 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. It is further expressly understood that the March 14, 2007 Entry of Order by the Board will be terminated upon ratification of this Surrender Agreement by the Board effective as of the last date of the signature below.



JEFFREY VAUGHN MEYER, M.D.



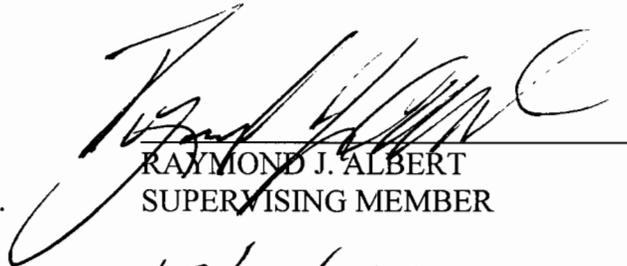
LANCE A. TALMAGE, M.D.
SECRETARY

9-27-2007
DATE

10-10-07
DATE



PAUL J. COVAL, ESQ.
Attorney for Jeffrey Vaughn Meyer, M.D.



RAYMOND J. ALBERT
SUPERVISING MEMBER

9-27-07
DATE

10/10/07
DATE



KAREN MORTLAND, ESQ.
Enforcement Attorney

9/28/07
DATE

STATE BOARD OF OPTOMETRY
2010 SEP 20 AM 11:07



State Medical Board of Ohio

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

March 14, 2007

Jeffrey Vaughn Meyer, M.D.
201 Fern Hill Drive
Granville, OH 43023

Dear Doctor Meyer:

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 March 14, 2007, 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, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3933 4658 8756
RETURN RECEIPT REQUESTED

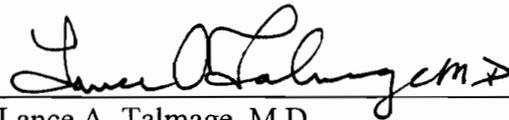
CC: Paul J. Coval, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3933 4658 8763
RETURN RECEIPT REQUESTED

Mailed 3-16-07

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 March 14, 2007, 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 Vaughn Meyer, M.D., 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)

March 14, 2007
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

JEFFREY VAUGHN MEYER, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on March 14, 2007.

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:

- A. **REVOCATION, STAYED; SUSPENSION:** The certificate of Jeffrey Vaughn Meyer, M.D., to practice allopathic medicine and surgery in the State of Ohio, shall be REVOKED. Such revocation is STAYED and Dr. Meyer's certificate shall be SUSPENDED for an indefinite period of time, but not less than 90 days following the date of the summary suspension of his Ohio certificate on November 8, 2006.
- B. **INTERIM MONITORING:** During the period that Dr. Meyer's certificate to practice allopathic medicine and surgery in Ohio is suspended, Dr. Meyer shall comply with the following terms, conditions, and limitations:
1. **Obey the Law:** Dr. Meyer shall obey all federal, state, and local laws, and all rules governing the practice of allopathic medicine and surgery in Ohio.
 2. **Personal Appearances:** Dr. Meyer 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:** Dr. Meyer 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. **Abstention from Drugs:** Dr. Meyer 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 Dr. Meyer's history of chemical abuse and/or dependency.
5. **Abstention from Alcohol:** Dr. Meyer shall abstain completely from the use of alcohol.
6. **Comply with the Terms of Treatment and Aftercare Contract:** Dr. Meyer 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.
7. **Drug & Alcohol Screens; Supervising Physician:** Dr. Meyer shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Meyer shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

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

The person or entity previously approved by the Board to serve as Dr. Meyer's supervising physician pursuant to the August 9, 2006, Step II agreement is hereby approved to continue as Dr. Meyer's designated supervising physician under this Order, unless within thirty days of the effective date of this Order, Dr. Meyer submits to the Board for its prior approval the name and curriculum vitae of an alternative supervising physician to whom Dr. Meyer shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Meyer. Dr. Meyer and the supervising physician shall ensure that the urine specimens

are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

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

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

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

8. **Submission of Blood or Urine Specimens upon Request:** Dr. Meyer shall submit blood and urine specimens for analysis without prior notice at such times as the Board may request, at Dr. Meyer's expense.
9. **Rehabilitation Program:** Dr. Meyer 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. Dr. Meyer shall submit acceptable documentary evidence of continuing compliance with this program, which must be received in the Board's offices no later than the due date for Dr. Meyer's quarterly declarations.

10. **Continued Compliance with a Contract with an Impaired Physicians Committee:** Dr. Meyer shall maintain continued compliance with the terms of the 2005 contract entered into with OPHP, or with another impaired physicians committee approved by the Board, to assure continuous assistance in recovery and/or aftercare.

11. **Continued Psychological Treatment:** Dr. Meyer shall continue psychological counseling every other week for a minimum of twenty sessions, or as otherwise directed by the Board, pursuant to the August 9, 2006, Step II agreement. Dr. Meyer shall comply with his psychological counseling treatment plan, and shall ensure that psychotherapy reports are forwarded by his psychologist or other licensed mental health professional to the Board on a quarterly basis, or as otherwise directed by the Board. The psychotherapy reports shall contain the following information: Dr. Meyer's current psychological counseling treatment plan and any changes that have been made to the psychological counseling treatment plan since the prior report; Dr. Meyer's compliance with his psychological counseling treatment plan; Dr. Meyer's mental status; and Dr. Meyer's progress in treatment. In addition, Dr. Meyer shall ensure that his psychologist or other licensed mental health professional immediately notifies the Board of Dr. Meyer's failure to comply with his psychological counseling treatment plan. The psychologist previously approved by the Board pursuant to the August 9, 2006, Step II agreement is hereby approved to continue as Dr. Meyer's psychologist under this Order, unless within thirty days of the effective date of this Order, Dr. Meyer submits to the Board for its prior approval the name and curriculum vitae of an alternative psychologist.

In the event that the designated psychologist or other licensed mental health professional becomes unable or unwilling to serve in this capacity, Dr. Meyer must immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychologist or other appropriately licensed mental health professional as soon as practicable. Dr. Meyer shall further ensure that the previously designated psychologist or licensed mental health professional also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Dr. Meyer shall continue with psychological counseling until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require a report from the approved psychologist or other licensed mental health professional, indicating that Dr. Meyer has completed at least twenty psychological counseling sessions and that further psychological counseling sessions are not necessary.

C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Meyer's certificate to practice allopathic medicine and surgery in Ohio until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration:** Dr. Meyer shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Compliance with Interim Conditions:** Dr. Meyer shall have maintained compliance with all the terms, conditions and limitations set forth in Paragraph B of this Order.
3. **Evidence of Unrestricted Licensure in Other States:** At the time he submits his application for reinstatement or restoration, Dr. Meyer shall provide written documentation acceptable to the Board verifying that Dr. Meyer otherwise holds a full and unrestricted license to practice medicine and surgery in all other states in which he is licensed at the time of application or has been in the past licensed, or that he would be entitled to such license but for the nonpayment of renewal fees.
4. **Professional and/or Personal Ethics Course:** At the time he submits his application for reinstatement or restoration, Dr. Meyer shall provide acceptable documentation of successful completion of a course or courses dealing with professional and/or personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Meyer submits the documentation of successful completion of the course or courses dealing with ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

5. **Demonstration of Ability to Resume Practice:** Dr. Meyer 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, Ohio Revised Code, that Dr. Meyer 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, Ohio 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, Ohio Admin. Code.
 - c. Evidence of continuing full compliance with this Order.
 - d. Two written reports indicating that Dr. Meyer'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 Dr. Meyer's application for reinstatement or restoration. The reports of evaluation shall describe with particularity the bases for the determination that Dr. Meyer has been found capable of practicing according to acceptable and prevailing standards of care and shall include any recommended limitations upon his practice.
6. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Meyer has not been engaged in the active practice of medicine and surgery for a period in excess of two year prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice.
- D. **PROBATION:** Upon reinstatement or restoration, Dr. Meyer's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Obey the Law:** Dr. Meyer shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio and in the state in which he is practicing.
 2. **Terms, Conditions, and Limitations Continued from Suspension Period:** Dr. Meyer shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.

3. **Absence from Ohio:** Dr. Meyer 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.
4. **Practice Plan:** Prior to Dr. Meyer's commencement of practice in Ohio, or as otherwise determined by the Board, Dr. Meyer shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Meyer's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. Meyer shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. Meyer submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as Dr. Meyer and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Meyer and his medical practice, and shall review Dr. Meyer's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Meyer and his medical practice, and on the review of Dr. Meyer's patient charts. Dr. Meyer shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Meyer's quarterly declaration.

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

- E. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Meyer's certificate will be fully restored.
- F. **RELEASES:** Dr. Meyer 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 Dr. Meyer's chemical abuse 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, Ohio Revised Code, and are confidential pursuant to statute.

Dr. Meyer shall also provide the Board written consent permitting any treatment provider from whom Dr. Meyer 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.

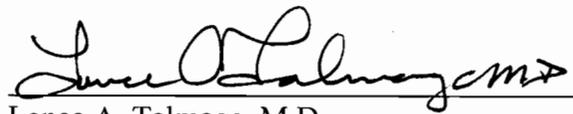
- G. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Meyer violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
- H. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Meyer 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, Dr. Meyer 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. This requirement shall continue until Dr. Meyer receives from the Board written notification of the reinstatement or restoration of his certificate to practice allopathic medicine and surgery in Ohio.
- I. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Meyer 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. Dr. Meyer 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 of any professional license. Further, Dr. Meyer shall provide this Board with a copy of the return receipt as proof of notification within 30 days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Meyer receives from the Board written notification of the reinstatement or restoration of his certificate to practice allopathic medicine and surgery in Ohio.

- J. **SUPERSEDE PREVIOUS STEP II CONSENT AGREEMENT:** This Order shall supersede the terms and conditions set forth in the August 9, 2006, Step II agreement between Dr. Meyer and the Board.

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

(SEAL)



Lance A. Talmage, M.D.
Secretary

March 14, 2007

Date

**REPORT AND RECOMMENDATION
IN THE MATTER OF JEFFREY VAUGHN MEYER, M.D.**

The Matter of Jeffrey Vaughn Meyer, M.D., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on December 18, 2006.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated November 8, 2006, the State Medical Board of Ohio [Board] notified Jeffrey Vaughn Meyer, M.D., that it had adopted an order summarily suspending his certificate to practice medicine and surgery in Ohio, based on the recommendation of the Board's Secretary and Supervising Member, who had determined that there was clear and convincing evidence that Dr. Meyer had violated Sections 4731.22(B)(15) and (B)(26), Ohio Revised Code, and that his continued practice of medicine presented a danger of immediate and serious harm to the public.

Additionally, the Board notified Dr. Meyer that it intended to consider disciplinary action against his certificate based on allegations that Dr. Meyer had violated a consent agreement with the Board because a urine specimen that Dr. Meyer provided on or about October 10, 2006, tested positive for marijuana and was confirmed for the presence of cannabinoids.

The Board alleged that Dr. Meyer's actions, conduct and/or omissions constitute: (1) a violation of the "conditions of limitation placed by the board upon a certificate to practice" as that language is used in Section 4731.22(B)(15), Ohio Revised Code; and (2) impairment of "ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice" as that language is used in Section 4731.22(B)(26), Ohio Revised Code. Accordingly, the Board advised Dr. Meyer of his right to request a hearing in this matter. (State's Exhibit 1A)

- B. By letter received by the Board on November 13, 2006, Paul J. Coval, Esq., requested a hearing on behalf of Dr. Meyer. (State's Exhibit 1C)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Damion M. Clifford, Assistant Attorney General.
- B. On behalf of Dr. Meyer: Paul J. Coval, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Jeffrey Vaughn Meyer, M.D.
Kathleen Petersen, Esq.
Danielle Bickers
William J. Closson, Ph.D.
R. Jason Jones, L.I.C.D.C.
Alfred E. Staubus, Pharm.D., Ph.D.

II. Exhibits Examined

A. Presented by the State

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

State's Exhibit 2: Documents maintained by the Board in the *Matter of Jeffrey Vaughn Meyer, M.D.*

State's Exhibit 3: Toxicology results for the urine specimen of October 10, 2006.

State's Exhibit 4: Toxicology results for the urine specimens of September 28, October 19, and October 25, 2006.

State's Exhibit 5: Curriculum vitae of William J. Closson, Ph.D.

State's Exhibit 6: Laboratory documents related to the urine specimen of October 10, 2006, redacted in part.

B. Presented by the Respondent

Respondent's Exhibit A: Curriculum vitae of R. Jason Jones, L.I.C.D.C.

Respondent's Exhibit B: December 15, 2006, letter from Doug Blair, M.A., L.I.C.D.C.

Respondent's Exhibit C: Picture of a bottle of "Dr. Bronner's 18-n-1 Hemp Almond Pure-Castille Soap."

Respondent's Exhibit D: Curriculum vitae of Alfred E. Staubus, Pharm.D., Ph.D.

Respondent's Exhibit E: Excerpts from *Disposition of Toxic Drugs and Chemicals in Man*, Sixth Edition, by Randall C. Baselt.

Respondent's Exhibit F: December 7, 2006, toxicology results for hemp soap from The Ohio State University Reference Laboratories.

Respondent's Exhibit G: December 13, 2006, report from Dr. Staubus.

Respondent's Exhibit H: Bottle of "Dr. Bronner's 18-n-1 Hemp Almond Pure-Castille Soap."

Respondent's Exhibit I: 2005 advocacy agreement between Jeffrey V. Meyer, M.D., and Ohio Physicians Health Program Inc.

PROCEDURAL MATTERS

At the conclusion of the hearing, the Hearing Examiner requested and the Respondent agreed to provide an additional document, the 2005 advocacy agreement between Dr. Meyer and Ohio Physicians Health Program Inc. The Hearing Examiner held the record open for that purpose. On December 20, 2006, Respondent provided that document. It was marked and admitted as Respondent's Exhibit I. The hearing record closed on December 20, 2006.

Upon review of the record, the Hearing Examiner noted that one procedural document, Respondent's Second Supplemental List of Witnesses and Exhibits, was not included in the procedural exhibits. The Hearing Examiner reopened the record on January 8, 2007, marked that document, and admitted it into the record as State's Exhibit 1R. The hearing record thereafter closed on January 8, 2006.

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. Throughout this report and recommendation, the words "marijuana," "THC," and "cannabinoids" are used interchangeably for the family of substances that comprise marijuana.

Dr. Meyer's Background and Ohio Training Certificate

1. Jeffrey Vaughn Meyer, M.D., graduated from the University of Kansas with a bachelor's degree in mathematics. He obtained a medical degree from Wake Forest University in 1999. He completed a five-year residency in pathology at Wake Forest University as well. (Hearing Transcript [Tr.] at 185)
2. In the summer of 2005, the Board issued a training certificate to Dr. Meyer. He planned to begin a surgical pathology fellowship at The Ohio State University. In order to begin the fellowship, Dr. Meyer provided a urine sample on or about July 7, 2005. That specimen

tested positive for marijuana. (State's Exhibit [St. Ex.] 2 at 21) As a result, Dr. Meyer was precluded from the fellowship. (Tr. at 185-186, 201)

3. On or about August 15, 2005, Dr. Meyer entered Shepherd Hill, a Board-approved treatment provider in Newark, Ohio, to undergo a three-day inpatient evaluation to determine if he was impaired. The urine sample that Dr. Meyer provided upon entering Shepherd Hill tested positive for marijuana. Dr. Meyer testified that he did not use marijuana between July 7 and August 15, 2005, and yet he was "still testing positive" for marijuana. (Tr. at 187-188) Shepherd Hill diagnosed Dr. Meyer with cannabis abuse and concluded that he was impaired in his ability to practice according to acceptable and prevailing standards of care. (St. Ex. 2 at 21; Tr. at 187, 201)
4. In light of that diagnosis and in lieu of formal proceedings, Dr. Meyer entered into a Step I Consent Agreement on October 12, 2005, with the Board [Step I agreement]. The Step I agreement reflects that the Board entered into the Step I agreement based upon Dr. Meyer's violations of Sections 4731.22(B)(5) and (B)(26), Ohio Revised Code. In the Step I agreement, Dr. Meyer admitted that he had used marijuana every other weekend between January and May 2005. Pursuant to the Step I agreement, Dr. Meyer's training certificate was indefinitely suspended for at least 90 days, and Dr. Meyer was required, among other things, to maintain sobriety, submit to random urine screens, and participate in a rehabilitation program. The agreement also included a list of terms, conditions, and limitations that had to be fulfilled in order for the Board to consider reinstatement or renewal of Dr. Meyer's training certificate, or issuance of any other certificate to Dr. Meyer. (St. Ex. 2 at 20-27)
5. On or about October 11, 2005, Dr. Meyer entered the Woods at Parkside [Parkside], a Board-approved treatment provider in Columbus, Ohio, to undergo inpatient treatment. Dr. Meyer testified that he had last used marijuana on October 1, 2005, and a drug test taken while at Parkside later that month was positive for marijuana. (Tr. at 187, 202)

Dr. Meyer successfully completed that 28-day treatment and was discharged in November 2005. He thereafter participated in an aftercare contract with Parkside and in an advocacy contract with the Ohio Physicians Health Program Inc. [OPHP] Later, two physicians reported that Dr. Meyer was capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place. (St. Ex. 2 at 11-12; Tr. at 188-189)

6. Dr. Meyer's Ohio training certificate was suspended on October 12, 2005. He did not seek to reinstate or renew that training certificate, and it expired on June 30, 2006. (St. Ex. 2 at 10-11)

Dr. Meyer's Current Ohio Certificate and Employment

7. In April 2006, Dr. Meyer submitted an application for a certificate to practice medicine and surgery in Ohio. Dr. Meyer began a one-year forensic pathology fellowship with the Franklin County Coroner's Office in July 2006. (St. Ex. 2 at 11; Tr. at 185)
8. Dr. Meyer entered into a Step II Consent Agreement with the Board [Step II agreement], effective August 9, 2006. The Board granted Dr. Meyer a certificate, subject to various probationary terms, conditions and limitations for a five-year period. Those Step II terms, conditions and limitations include the following:

Paragraph 8: Dr. Meyer shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Meyer's history of chemical dependency.

Paragraph 9: Dr. Meyer shall abstain completely from the use of alcohol.

Paragraph 10: Dr. Meyer shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Meyer shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

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

Dr. Meyer and the Board agree that the person or entity previously approved by the Board to serve as Dr. Meyer's supervising physician pursuant to the October 2005 Step I Consent Agreement is hereby approved to continue as Dr. Meyer's designated supervising physician under this [Step II] Agreement * * *. Dr. Meyer 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. Further, the supervising physician shall ensure that additional testing of urine specimens for ethyl glucuronide is done on a random basis to include at least one out of every four urine specimens.

* * *

Paragraph 16: Dr. Meyer shall maintain continued compliance with the terms of the advocacy agreement entered into with the Ohio Physicians Health Program, or, if approved in advance by the Board, another physicians health

program, provided that, where terms of the advocacy agreement conflict with terms of this [Step II] Agreement, the terms of this [Step II] Agreement shall control.

(St. Ex. 2 at 13-14, 16)

Further, Dr. Meyer agreed in the Step II agreement that, if the secretary and supervising member of the Board determine that there is clear and convincing evidence that Dr. Meyer has violated any term, condition or limitation of the Step II agreement, the alleged violation also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code. (St. Ex. 2, at 18)

9. The advocacy agreement with OPHP had been previously executed in late 2005. The first provision of the advocacy agreement requires Dr. Meyer to abstain from all mood-altering drugs including alcohol, prescription drugs, over-the-counter preparations, and foods having substances that could yield a positive toxicology test results (e.g. poppy seeds, rumcakes, cough syrups, cold medications, and mouthwash). (Respondent's [Resp.]. Ex. I; Tr. at 172)

Dr. Meyer's Toxicology Results

10. Dr. Meyer provided random, weekly urine specimens in September 2006 and October 2006 as directed. However, he was granted waivers or exemptions of certain Step II requirements during the week of October 2, 2006, while he attended an out-of-state, work-related conference. Specifically, Dr. Meyer was allowed to miss the urine testing and allowed to miss some of the required support group meetings during the week of October 2, 2006. (Tr. at 27, 45-46, 190-191, 193)
11. The toxicology results for Dr. Meyer's urine specimens were negative until October 2006. The urine specimen that Dr. Meyer provided on or about October 10, 2006, initially tested positive for marijuana and was confirmed for the presence of cannabinoids. (St. Ex. 3)
12. Upon receiving the toxicology results from the October 10, 2006, urine specimen, the Board took the matter under a consideration. Then, the Board decided to summarily suspend Dr. Meyer's certificate, and ordered Dr. Meyer to immediately cease practicing medicine in Ohio. (St. Ex. 1A)
13. Dr. Meyer's September 2006 and October 2006 urine specimens were tested by Bendiner & Schlesinger Inc. [B&S] for the presence of 10 different drugs and for the dilution level. (St. Exs. 3, 4; Tr. at 140-142)

14. William J. Closson, Ph.D., is the director of the toxicology department at B&S.¹ Dr. Closson explained how specimens arrive at B&S, are handled, identified, evaluated for acceptability, stored, tested, and certified. (Tr. at 67-76, 78-79)

Dr. Closson testified that, for urine specimens, B&S utilizes an initial screening test called "EMIT," which stands for enzyme multiplied immunoassay technique, to detect the presence of 10 different drugs in urine. According to Dr. Closson, EMIT is used by 95 percent of the forensic toxicology laboratories and has a 95 percent accuracy rating. If a positive result is detected under the EMIT test and/or if other factors warrant, a second higher-level test called "GC/MS," which stands for gas chromatography/mass spectrometry, is conducted to confirm the drug's presence in the urine and measure its level. Dr. Closson noted that GC/MS is the "only technology that is allowed for the confirmatory testing in urine drug testing, and it's required by the federal government and also by the New York State Department of Health as being the required confirmatory test." Further, he stated that the GC/MS test is more than 99.9 percent reliable. (Tr. at 72, 75, 77, 135)

15. Further, Dr. Closson explained the features of marijuana and the ability to detect marijuana in persons who have used or consumed it. He stated that there are various metabolites of marijuana. The initial EMIT test uses an antibody that reacts with most of the more than 40 known metabolites of marijuana. Thus, Dr. Closson stated that the initial test is designed to recognize a broad spectrum of marijuana metabolites. The GC/MS test is used because it will create a mass spectrum of marijuana. Dr. Closson testified that the GC/MS test looks for the primary metabolite of marijuana because it is present in virtually every person's urine if he/she has used or consumed marijuana. With the GC/MS test, B&S can detect levels of marijuana from 2 nanograms to 400 nanograms per milliliter. (Tr. at 74, 76-77, 139)

Also, Dr. Closson explained that the standard consensus among toxicologists is that one who uses marijuana once or twice a week would have the marijuana in his/her system for three to five days afterward. In contrast, a user who has used marijuana daily for several months would usually have marijuana in his/her system for as long as three to five weeks after cessation. (Tr. at 81-82, 125-126)

16. Relative to the testing of Dr. Meyer's October 10 urine specimen, Dr. Closson explained the various tests, the results, the point at which a positive result is determined to exist, and the safeguards utilized by B&S. (Tr. at 90-111, 116-119; St. Ex. 6). Dr. Closson characterized the GC/MS positive test result of 46 nanograms of THC per milliliter as a moderate amount, as opposed to a trace amount. Fifteen nanograms of THC per milliliter is the point at which a GC/MS positive result is declared or the "cutoff level." Dr. Closson also testified that B&S measures the specimen's creatinine level to indicate how dilute the

¹Dr. Closson has a bachelor's degree in biology from State University of New York at Stony Brook, a master's degree in biochemistry from Long Island University, and a doctorate in biochemistry and toxicology from St. John's University. He is licensed as a forensic toxicologist by the State of New York, certified as a blood-alcohol analyst by the State of New York, and certified by the American Board of Forensic Examiners. (Tr. at 64-65; St. Ex. 5)

specimen is because the dilution level directly impacts the quantitative amount of the drug in a specimen. A creatinine level of 155 milligrams per deciliter is within the normal range, but a creatinine level of 16.7 milligrams per deciliter is abnormally low and potentially diluted. If the creatinine level is found to be abnormal, B&S will measure the “specific gravity” of the specimen as another means for evaluating dilution. (Tr. at 124-125, 141-144)

Dr. Closson further explained that B&S’ accuracy rate is 80 percent; or, in other words, there is a plus or minus 20 percent quantitative variability. (Tr. at 114-115)

17. Upon cross-examination, Dr. Closson noted that B&S uses a single-point calibration methodology for evaluating the amount of a drug in a specimen, which is “the convention” in the field of forensic toxicology. In particular, he stated that multiple-point calibration

* * * to a slight degree [] would enhance the quantitative accuracy. But the increase in accuracy is not significant when it comes to quantifying the amount of drugs significantly above the cutoff level. The importance is to be able to accurately quantify around the cutoff level, and that’s why we use that single point at that discrimination level of 15 nanograms per [milliliter]. * * * When the amount that you’re measuring is well above the cutoff, it still falls within 20 percent of the target concentration, whether you use a single point or multiple points. Therefore, there’s no real benefit to a laboratory adding those additional [multiple-point] samples to the analysis.

(Tr. at 136-137)

18. Below is summary of B&S’ test results for Dr. Meyer’s urine specimens from September 28 through October 25, 2006:

| <u>Date of Urine Sample</u> | <u>THC EMIT Result</u> | <u>Creatinine Level</u> | <u>THC GC/MS Result</u> | <u>THC GC/MS Cutoff Level</u> |
|---------------------------------|----------------------------|-----------------------------|-----------------------------|-----------------------------------|
| 9/28/06 | Negative | 20.1 mg/dl | Negative | 15 ng/ml |
| 10/10/06 | Positive | 155.5 mg/dl | 46 ng/ml | 15 ng/ml |
| 10/19/06 | Negative | 53.4 mg/dl | Negative | 15 ng/ml |
| 10/25/06 | Negative | 16.7 mg/dl* | Negative | 15 ng/ml |

*Because of this below-normal creatinine level, the “specific gravity” of this specimen was measured as another means to evaluate dilution. The “specific gravity” level was found to be at the low end of normal, but within the normal range.

(St. Exs. 3, 4, 6 at 8, 10, 29-32; Tr. at 124-125, 145-146)

Dr. Meyer's Explanation and Expert

19. Dr. Meyer denies using or consuming marijuana in violation of the Step II agreement. He puts forth two explanations for the positive drug test. First, he alleges that a hemp soap he used briefly may have caused a "false positive" result for the October 10 urine specimen. More specifically, Dr. Meyer contends that the hemp soap contains THC, which may have been absorbed through his skin into his body and caused a "false positive" result. Second, Dr. Meyer alleges that laboratory error may have resulted in an incorrect positive test result. (Tr. at 189, 192)
20. Hemp is a plant separate from marijuana, but it contains the same chemicals as marijuana. Drs. Closson and Staubus explained that, because extraction of the oil from hemp seeds requires crushing the seeds, hemp oils all contain amounts of the active chemicals of marijuana, although the amounts will vary. (Tr. at 133, 232; Resp. Ex. G at 3)
21. Dr. Meyer testified that, upon returning from the conference in October 2006, he did not have his regular soap at home. From October 6 or 7 through 10, he stated that he had used his wife's soap, "Dr. Bronner's 18-n-1 Hemp Almond Pure-Castille Soap" [hemp soap]. The hemp soap's ingredients are: water, saponified organic coconut and organic olive oils (with retained glycerin), organic hemp oil, organic jojoba oil, natural bitter almond fragrance, citric acid and vitamin E. (Tr. at 178, 196; Resp. Ex. H)
22. Dr. Meyer stated that he did not believe it would be a problem to use the hemp soap because he had asked about that product during his inpatient treatment at Parkside and was told it would not cause an issue with the urine tests.² (Tr. at 179, 196-198, 203; Resp. Ex. H)
23. Dr. Meyer presented the expert opinions of Alfred E. Staubus, Pharm.D., Ph.D.³ Dr. Staubus was asked to evaluate possible sources for the positive result for the October 10 urine specimen and to consider the reliability of B&S' toxicology results. (Tr. at 217)
24. In support of the contention that the hemp soap caused the "false positive" result on the October 10 urine specimen, Dr. Staubus had the hemp soap tested at The Ohio State University Reference Laboratories. That laboratory encountered difficulties in getting the soap soluble enough and in extracting the THC from the soap for initial measurement

²Dr. Closson testified regarding his knowledge of studies regarding transdermal absorption of THC from hemp products. He stated that those studies have concluded that there is no significant transfer of THC through the skin to result in a quantity of THC in a person's blood or urine that would result in a positive test result. (Tr. at 88-89)

³Dr. Staubus has a doctor of pharmacy degree and a Ph.D., both from the University of California San Francisco Medical Center. Currently, he is an Associate Professor Emeritus at The Ohio State University College of Pharmacy and has his own business for which he is a forensic toxicologist. Previously, he was a professor at The Ohio State University College of Pharmacy, director of The Ohio State University's Comprehensive Cancer Center's Clinical Pharmacology Unit, director of toxicology at Toxicology Associates, and director of The Ohio State University Reference Laboratories. His area of specialty has been the analysis of drug levels and the time course of drugs in the body, particularly anticancer medications. (Tr. at 208-209; Resp. Ex. D)

purposes. Also, the laboratory's GC/MS equipment could not adequately examine the THC levels in the extracted compound because the laboratory's GC/MS equipment requires a liquid and, in the extraction process, the soap became a waxy compound. Consequently, only results from the preliminary screening test used, AxSYM, were available. Both Drs. Closson and Staubus stated that AxSYM is another initial screening test used by laboratories, equivalent to the EMIT test used by B&S. Dr. Closson also stated that AxSYM is a reliable screening test. (Tr. at 87-88, 134, 200, 229-232)

Dr. Staubus also noted that, on another occasion, The Ohio State University Reference Laboratories twice tested the same brand of hemp soap for a Franklin County toxicologist. The results from the three tests indicate that the hemp soap contains THC levels ranging from 95 to 276 nanograms per milliliter. Dr. Staubus admitted that the extraction difficulties naturally resulted in varying THC levels, and he stated that he believes the measurements are low estimates of the actual THC concentration in the soap. (Tr. at 233-234, 263; Resp. Ex. G)

25. Moreover, Dr. Staubus noted that an authoritative treatise in the field of toxicology (*Disposition of Toxic Drugs and Chemicals in Man*, Sixth Edition) indicates that roughly 70 percent of a dose of THC is excreted within 72 hours and the remainder of the urinary metabolites can persist in the urine for several weeks after a single dose. (Resp. Ex. E at 3)
26. Next, Dr. Staubus reviewed two articles related to transdermal absorption of THC. He concluded from those articles that, even if the exposure time is relatively short, THC will adhere to the fatty portions of the skin tissue and slowly dissipate into the bloodstream. He acknowledged on cross-examination that the methods described in the articles for exposing the THC to the skin were not the same, the time periods were not the same, and the items containing the THC were not the same as Dr. Meyer's use of the hemp soap. (Tr. at 243-245)

Regardless, Dr. Staubus noted that the process of scrubbing with the hemp soap will enhance the transdermal absorption of the THC because the dead skin cells are removed and the hot water will enable absorption. Dr. Staubus explained that the fact that it was difficult to extract the THC from the hemp soap for testing purposes does not negate or lessen the possibility of transdermal absorption of the THC in the hemp soap while showering. As a result, Dr. Staubus found that Dr. Meyer's use of the hemp soap in October 2006 is, to a reasonable degree of scientific certainty, a plausible explanation for the positive toxicology result for the October 10 urine specimen. (Tr. 218-219, 234-238, 268-269, 277; Resp. Ex. G) Furthermore, Dr. Staubus testified that the creatinine level for the October 10 specimen was relatively concentrated and, therefore, so were the marijuana levels. In his view, if Dr. Meyer had consumed one or two more glasses of water prior to providing the specimen, the THC concentration could easily have fallen below the cutoff for a positive result. (Tr. at 238-239; Resp. Ex. G)

27. In relation to the reliability of B&S' toxicology results, Dr. Staubus noted that he did not receive certain requested information that he felt was necessary to provide a complete

evaluation. Additionally, Dr. Staubus specifically criticized the B&S methodology because B&S did not employ a standard curve approach, utilizing multiple known calibrators. Rather than a multiple-point approach, B&S utilizes a single-point, known calibrator of 15 nanograms per milliliter for marijuana. In Dr. Staubus' view, the more reliable approach is a multiple-point standard curve, which "shows linearity over the range of unknown samples." Dr. Staubus opined that, without additional calibrators and with B&S' admitted error rate, the conclusion that a specimen is positive for the involved drug is questionable. In support of this conclusion, Dr. Staubus pointed to the two quality control tests conducted by B&S in the specimen batch that included Dr. Meyer's October 10 urine specimen. Dr. Staubus noted the fact that B&S did not find that the THC concentrations in those two quality control specimens were at the plus 25 percent and the minus 25 percent concentrations as designated, but the concentrations were well within the 20 percent error rate. (Tr. at 221-227, 276)

Dr. Staubus acknowledged that he is not claiming error by B&S in the discovery of THC in Dr. Meyer's urine specimen of October 10, based upon the information that he had to review. Rather, Dr. Staubus questions whether the THC concentration was the specific level of 46 nanograms per milliliter, which he characterizes as a relatively low level. (Tr. at 241, 270-271)

Testimony of OPHP Counselor/Case Manager

28. R. Jason Jones is a licensed independent chemical dependency counselor working at OPHP. He has worked primarily in the field of substance abuse counseling and mental health counseling for more than 15 years. He is the case manager working with Dr. Meyer. (Tr. at 51-52, 59)
29. Mr. Jones explained the specimen collection process, including the chain of custody. Mr. Jones noted that OPHP has direct access to the B&S toxicology results and looks at each of the toxicology results. A higher level review is made if the results are outside the norm (namely, the results are not negative, additional particular tests are run, or a creatinine level is outside the normal range). When a creatinine level falls below the normal range, a "specific gravity" evaluation is done as well. Following the positive result for the October 10 specimen, OPHP asked that B&S conduct additional testing on the three other specimens to evaluate whether *any* marijuana was present, not simply whether the amount was above the cutoff level. No marijuana was found in those three other specimens and OPHP concluded that those specimens were not dilute. (Tr. at 53-55, 163-165, 169-170, 174)
30. On October 17, Mr. Jones informed Dr. Meyer of the toxicology results for the October 10 specimen. Dr. Meyer denied using marijuana and Mr. Jones described Dr. Meyer's reaction as "disbelief, denial, frustration." (Tr. at 57, 62)

As a result of his years of experience, Mr. Jones testified that he has become skilled in detecting noncompliant behavior for those with substance abuse problems. Mr. Jones

noted that, typically, a person who has returned to use will exhibit overt signs, including: (1) withdraw from recovery-related activities; (2) decrease attendance at support group meetings; (3) decrease contact with his/her sponsor; (4) withdraw from family and friends; and (5) exhibit changes in behavior, showing more depression, anxiety or anger. From the time that Dr. Meyer began working with OPHP to the date of the hearing, Mr. Jones noted none of these signs in Dr. Meyer's behavior. (Tr. at 60-62, 161) Rather, Mr. Jones described Dr. Meyer's behavior as "very compliant, very agreeable throughout the process with us. He's done everything that we've asked him to do. There have not been any concerns about his attitude or anything. He's had a very positive attitude." (Tr. at 167)

Statement of Parkside Counselor

31. Doug Blair is a licensed independent chemical dependency counselor working at Parkside and at a Columbus-area treatment center. Mr. Blair did not appear at the hearing. Instead, the Respondent presented a letter from Mr. Blair and, thus, the State did not have an opportunity to cross-examine him. Mr. Blair has worked with Dr. Meyer as well. Mr. Blair stated in his letter:

Prior to the positive screen in October 2006, Dr. Meyer appeared to be in compliance with the aftercare contract [with Parkside]. He attended all required 12 step and therapy groups and was testing clean. * * * The realization that his urine drug screen was positive for marijuana surprised Dr. Meyer and his treatment group. * * * My initial reaction was that he had smoked marijuana. But, as the story unfolded[,] no relapse process/systems or event was evident other than the screen. * * * It is my opinion that Dr. Meyer's positive urine drug screen for marijuana does not entirely fit the criteria for relapse. No symptoms of relapse progression are identified other [than] a positive screen. The quality of Dr. Meyer's recovery plan appears to be good and progress has been made in all life areas. Subsequent group sessions show [Dr. Meyer] to [be] practicing behaviors and thinking not characteristic of a recent relapse. I cannot identify any forms of denial or justification for using marijuana other than washing with hemp soap. Dr. Meyer stated that he spoke to a professional upon entering the program about the safety of using hemp soap and believed it to not cause positive urine drug screens. I recommend Dr. Meyer's overall recovery progress to be taken into consideration prior to any medical board sanctions.

(Resp. Ex. B)

Testimony of Franklin County Coroner

32. Bradley J. Lewis, M.D., is the Franklin County Coroner.⁴ He also is in charge of the coroner office's fellowship program where Dr. Meyer is currently employed. Dr. Lewis

⁴Dr. Lewis earned an undergraduate degree and medical degree from The Ohio State University. He completed an internship and residency at Mount Carmel Hospital in Columbus, Ohio. He has been licensed in Ohio since 1989 and is board-certified in family medicine. (Tr. at 151-152)

met Dr. Meyer in the spring of 2006 and selected him for the office's 2006-2007 fellowship program. Dr. Lewis works almost daily with Dr. Meyer. He explained that the coroner's office has a zero tolerance policy with regard to the use of illegal substances. Dr. Lewis testified that he has not observed any behavior that suggested Dr. Meyer was using an illegal substance. (Tr. at 152-155) Additionally, Dr. Lewis stated:

And given his history, we probably have paid more attention to those issues than we might otherwise have. But he has been a very good employee[;] he's been a good student. He's very conscientious as far as handling his workload, getting his cases done, [and] making sound judgments based on the facts of the case and the autopsy findings. So, we found his judgment to be very sound. And his mood has always been very stable and very good. He interacts well with all the other employees, so there's no one at the office that I'm aware of that has had any concerns regarding his behavior or his work ethic or his performance.

(Tr. at 156)

POSITIONS OF THE PARTIES

1. The State argues that the Dr. Meyer was required to abstain from drugs and that one of his urine specimens tested positive for marijuana. That evidence amounts, in the State's view, to a direct violation of the Step II agreement, which constitutes a violation of Section 4731.22(B)(15), Ohio Revised Code. Additionally, the State contends that the positive urine test amounts to a relapse⁵ and demonstrates impairment, as defined in Rules 4731-16-01(A) and (B), Ohio Admin. Code. As a result, the State argues that the positive test result also demonstrates a violation of Section 4731.22(B)(26), Ohio Revised Code. (Tr. at 281)
2. Dr. Meyer denies using marijuana, and several professionals who interact with him regularly have not seen any indications of a relapse. Respondent argues that his use of the hemp soap or B&S error may have caused the positive result. Respondent points out that the specimens given before and after October 10 did not contain any THC and, with Dr. Meyer's physiological characteristics, the THC would have stayed in his system and been discovered on other dates too. This indicates that, in the Respondent's view, an aberration has occurred. Respondent claims that there are a number of plausible explanations and, as a result, there was not reliable, probative and substantial evidence of a violation of the Step II agreement or of a relapse. Respondent asks that his license be reinstated and, if any message needs to be sent to him for using the hemp soap, the Board should consider his suspension period as "time served." (Tr. at 282-285)

⁵Relapse is "any use of, or obtaining for the purpose of using, alcohol or a drug or substance that may impair ability to practice, except pursuant to the direction of a treating physician who has knowledge of the patient's history and the disease of addiction, or pursuant to the direction of a physician in a medical emergency." Rule 4731-16-02(B)(3)(a), Ohio Admin. Code, provides that an individual's relapse during or following treatment shall constitute independent proof of impairment and shall support license suspension or denial without the need for an examination.

FINDINGS OF FACT

1. On October 12, 2005, Jeffrey Vaughn Meyer, M.D., entered into a Step I agreement with the Board in lieu of formal proceedings. The Step I agreement was based upon Dr. Meyer's violations of Sections 4731.22(B)(5) and (B)(26), Ohio Revised Code, related to making false statements in securing a training certificate and marijuana abuse. In the Step I agreement, Dr. Meyer admitted that:
 - a. He had obtained an Ohio training certificate to begin a pathology fellowship in or about July 2005;
 - b. On or about July 7, 2005, he provided a urine specimen for a pre-employment drug test;
 - c. That specimen tested positive for the presence of marijuana;
 - d. On or about August 15, 2005, Dr. Meyer entered Shepherd Hill, a Board-approved treatment provider in Newark, Ohio, for the purpose of undergoing a three-day inpatient evaluation to determine if he was in violation of Section 4731.22(B)(26), Ohio Revised Code;
 - e. The evaluators at Shepherd Hill diagnosed Dr. Meyer with cannabis abuse, determined that he was impaired in his ability to practice according to acceptable and prevailing standards of care, and concluded that he needed residential or inpatient treatment; and
 - f. A urine specimen obtained from Dr. Meyer upon his admission to Shepherd Hill on August 15, 2005, tested positive for the presence of marijuana.

Additionally, Dr. Meyer admitted in the Step I agreement that he had used marijuana every other weekend between January and May 2005.

Pursuant to the Step I agreement, Dr. Meyer agreed to certain terms, conditions and limitations, including that his training certificate was indefinitely suspended for at least 90 days and that he would abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Meyer's history of chemical abuse and/or dependency.

Furthermore, Dr. Meyer was required to make periodic declarations, make personal appearances, submit to random urine screens, participate in a rehabilitation program, and provide evidence of such participation. The Step I agreement also included a list of conditions that had to be fulfilled in order for the Board to consider reinstatement or renewal of Dr. Meyer's training certificate, or issuance of any other certificate to Dr. Meyer.

2. Dr. Meyer entered into a Step II agreement with the Board, effective August 9, 2006. The Board granted Dr. Meyer a certificate to practice medicine and surgery in Ohio, subject to certain probationary terms, conditions and limitations for a period of five years. Dr. Meyer agreed to:
 - a. Abstain completely from the personal use or possession of drugs except those prescribed, dispensed or administered to him by another so authorized who has full knowledge of Dr. Meyer's history of chemical dependency;
 - b. Submit to random urine screenings on a weekly basis; and
 - c. Continue compliance with the terms of his Ohio Physicians Health Program Inc. [OPHP] advocacy agreement.

Further, Dr. Meyer agreed in the Step II agreement that, if the Secretary and Supervising Member of the Board should determine that there is clear and convincing evidence that Dr. Meyer had violated any term, condition or limitation of the Step II agreement, the alleged violation also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

3. Despite the requirements of the Step II agreement, Dr. Meyer provided a urine specimen on or about October 10, 2006, which initially tested positive for marijuana and was GC/MS confirmed for the presence of cannabinoids.
4. Dr. Meyer's certificate was summarily suspended on November 8, 2006, based upon a determination by the Board's Secretary and Supervising Member that Dr. Meyer's continued practice presents a danger of immediate and serious harm to the public.
5. The evidence supports a finding that Dr. Meyer provided a urine specimen in which THC was detected. The evidence supports a finding that the toxicology results are proof that Dr. Meyer used or consumed THC prior to submitting the urine specimen. The following evidence was considered in making this finding:
 - a. No evidence was presented to demonstrate than an actual error occurring in the handling or testing the October 10 specimen provided by Dr. Meyer.
 - b. William J. Closson, Ph.D., testified that the EMIT and GC/MS tests are highly reliable.
 - c. Dr. Closson testified that the EMIT and GC/MS tests are widely used and accepted in the toxicology industry.
 - d. Alfred E. Staubus, Pharm.D, Ph.D., testified that his criticism with B&S' single-point calibration methodology, even if accepted, does not mean that an error was

actually made in finding a positive result for the October 10 specimen provided by Dr. Meyer.

- e. Dr. Staubus admitted that his criticism with B&S' single-point calibration methodology, even if accepted, does not negate a finding of THC in the October 10 urine specimen. Rather, his criticism potentially could impact the level of THC found.
 - f. Despite Dr. Staubus' criticism of B&S' two quality control tests in the specimen batch that included Dr. Meyer's October 10 urine specimen, those quality control test results were well within the accepted error rate.
6. The evidence presented at hearing supports a finding that Dr. Meyer relapsed on marijuana. The toxicology results are proof that Dr. Meyer used or consumed marijuana because his October 10 urine specimen contained THC. However, Dr. Meyer denies using or consuming marijuana. Additionally, he has continued to submit to random, weekly urine specimens; one of his counselors reports that he continues to attend support group meetings; and there is no evidence that any subsequent specimen contained marijuana. In fact, the evidence indicates that the immediately preceding urine specimen and the two subsequent urine specimens contained no THC at all. Also, several professionals who know Dr. Meyer do not believe that he has relapsed on marijuana.

To explain the presence of THC in the October 10 urine specimen, Dr. Meyer testified that he used hemp soap for several days prior to and including October 10, 2006, and that THC in that soap may have been absorbed into his body and caused a "false positive" result. Laboratory tests confirm that the hemp soap contains THC and Dr. Staubus stated that, to a reasonable degree of scientific certainty, the THC in the hemp soap could have been transdermally absorbed by Dr. Meyer. This evidence is not convincing based upon the following uncontested evidence:

- a. The THC level in Dr. Meyer's October 10 urine specimen was more than two times the minimum, cutoff level for a positive result.
 - b. The soap was used over the course of four or five days.
 - c. The soap, while rubbed on during the bathing process, was washed off during the bathing process.
 - d. THC was hard to extract from the soap.
7. His 2005 OPHP advocacy agreement requires Dr. Meyer to abstain from mood-altering drugs including alcohol, prescription drugs, *over-the-counter preparations*, and food having substances that could yield a positive toxicology test result.

8. Dr. Meyer admitted to using hemp soap from October 6 or 7 through October 10, 2006. The hemp soap is an over-the-counter preparation that contains THC and could yield a positive toxicology test result.
9. By using hemp soap in October 2006, Dr. Meyer violated the Step II agreement with the Board, specifically paragraph 16.

CONCLUSIONS OF LAW

1. Jeffrey Vaughn Meyer, M.D.'s actions, conduct and/or omissions as set forth in Findings 2, 3, 5 through 9 constitute a violation of the "conditions of limitation placed by the board upon a certificate to practice" as that language is used in Section 4731.22(B)(15), Ohio Revised Code.
2. Dr. Meyer's actions, conduct and/or omissions as set forth in Findings 1 through 3 and 5 and 6 constitute impairment of "ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice" as that language is used in Section 4731.22(B)(26), Ohio Revised Code.

* * * * *

Although Dr. Meyer has violated his Step II agreement and his OPHP advocacy agreement, and relapsed, the Board should consider another opportunity for Dr. Meyer to return to the practice of medicine, after a period of documented sobriety and under strict monitoring conditions.

PROPOSED ORDER

It is hereby ORDERED, that:

- A. **REVOCATION, STAYED; SUSPENSION:** The certificate of Jeffrey Vaughn Meyer, M.D., to practice allopathic medicine and surgery in the State of Ohio, shall be REVOKED. Such revocation is STAYED and Dr. Meyer's certificate shall be SUSPENDED for an indefinite period of time, but not less than 90 days following the date of the summary suspension of his Ohio certificate on November 8, 2006.
- B. **INTERIM MONITORING:** During the period that Dr. Meyer's certificate to practice allopathic medicine and surgery in Ohio is suspended, Dr. Meyer shall comply with the following terms, conditions, and limitations:
 1. **Obey the Law:** Dr. Meyer shall obey all federal, state, and local laws, and all rules governing the practice of allopathic medicine and surgery in Ohio.

2. **Personal Appearances:** Dr. Meyer 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:** Dr. Meyer 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. **Abstention from Drugs:** Dr. Meyer 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 Dr. Meyer's history of chemical abuse and/or dependency.
5. **Abstention from Alcohol:** Dr. Meyer shall abstain completely from the use of alcohol.
6. **Comply with the Terms of Treatment and Aftercare Contract:** Dr. Meyer 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.
7. **Drug & Alcohol Screens; Supervising Physician:** Dr. Meyer shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Meyer shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

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

The person or entity previously approved by the Board to serve as Dr. Meyer's supervising physician pursuant to the August 9, 2006, Step II agreement is hereby approved to continue as Dr. Meyer's designated supervising physician under this Order, unless within thirty days of the effective date of this Order, Dr. Meyer submits to the Board for its prior approval the name and curriculum vitae of an alternative supervising physician to whom Dr. Meyer shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to

a physician who practices in the same locale as Dr. Meyer. Dr. Meyer and the supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

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

Dr. Meyer 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 Ordert, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

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

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

8. **Submission of Blood or Urine Specimens upon Request:** Dr. Meyer shall submit blood and urine specimens for analysis without prior notice at such times as the Board may request, at Dr. Meyer's expense.
9. **Rehabilitation Program:** Dr. Meyer 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. Dr. Meyer shall submit acceptable documentary evidence of continuing compliance with this program, which must be received in the Board's offices no later than the due date for Dr. Meyer's quarterly declarations.

10. **Continued Compliance with a Contract with an Impaired Physicians Committee:** Dr. Meyer shall maintain continued compliance with the terms of the 2005 contract entered into with OPHP, or with another impaired physicians committee approved by the Board, to assure continuous assistance in recovery and/or aftercare.
11. **Continued Psychological Treatment:** Dr. Meyer shall continue psychological counseling every other week for a minimum of twenty sessions, or as otherwise directed by the Board, pursuant to the August 9, 2006, Step II agreement. Dr. Meyer shall comply with his psychological counseling treatment plan, and shall ensure that psychotherapy reports are forwarded by his psychologist or other licensed mental health professional to the Board on a quarterly basis, or as otherwise directed by the Board. The psychotherapy reports shall contain the following information: Dr. Meyer's current psychological counseling treatment plan and any changes that have been made to the psychological counseling treatment plan since the prior report; Dr. Meyer's compliance with his psychological counseling treatment plan; Dr. Meyer's mental status; and Dr. Meyer's progress in treatment. In addition, Dr. Meyer shall ensure that his psychologist or other licensed mental health professional immediately notifies the Board of Dr. Meyer's failure to comply with his psychological counseling treatment plan. The psychologist previously approved by the Board pursuant to the August 9, 2006, Step II agreement is hereby approved to continue as Dr. Meyer's psychologist under this Order, unless within thirty days of the effective date of this Order, Dr. Meyer submits to the Board for its prior approval the name and curriculum vitae of an alternative psychologist.

In the event that the designated psychologist or other licensed mental health professional becomes unable or unwilling to serve in this capacity, Dr. Meyer must immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychologist or other appropriately licensed mental health professional as soon as practicable. Dr. Meyer shall further ensure that the previously designated psychologist or licensed mental health professional also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Dr. Meyer shall continue with psychological counseling until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require a report from the approved psychologist or other licensed mental health professional, indicating that Dr. Meyer has completed at least twenty psychological counseling sessions and that further psychological counseling sessions are not necessary.

- C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Meyer's certificate to practice allopathic

medicine and surgery in Ohio until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration:** Dr. Meyer shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Compliance with Interim Conditions:** Dr. Meyer shall have maintained compliance with all the terms, conditions and limitations set forth in Paragraph B of this Order.
3. **Evidence of Unrestricted Licensure in Other States:** At the time he submits his application for reinstatement or restoration, Dr. Meyer shall provide written documentation acceptable to the Board verifying that Dr. Meyer otherwise holds a full and unrestricted license to practice medicine and surgery in all other states in which he is licensed at the time of application or has been in the past licensed, or that he would be entitled to such license but for the nonpayment of renewal fees.
4. **Professional and/or Personal Ethics Course:** At the time he submits his application for reinstatement or restoration, Dr. Meyer shall provide acceptable documentation of successful completion of a course or courses dealing with professional and/or personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Meyer submits the documentation of successful completion of the course or courses dealing with ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

5. **Demonstration of Ability to Resume Practice:** Dr. Meyer 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, Ohio Revised Code, that Dr. Meyer 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, Ohio 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, Ohio Admin. Code.

- c. Evidence of continuing full compliance with this Order.
 - d. Two written reports indicating that Dr. Meyer'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 Dr. Meyer's application for reinstatement or restoration. The reports of evaluation shall describe with particularity the bases for the determination that Dr. Meyer has been found capable of practicing according to acceptable and prevailing standards of care and shall include any recommended limitations upon his practice.
6. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Meyer has not been engaged in the active practice of medicine and surgery for a period in excess of two year prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice.
- D. **PROBATION:** Upon reinstatement or restoration, Dr. Meyer's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Obey the Law:** Dr. Meyer shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio and in the state in which he is practicing.
 2. **Terms, Conditions, and Limitations Continued from Suspension Period:** Dr. Meyer shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.
 3. **Absence from Ohio:** Dr. Meyer 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.
 4. **Practice Plan:** Prior to Dr. Meyer's commencement of practice in Ohio, or as otherwise determined by the Board, Dr. Meyer shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Meyer's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. Meyer shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. Meyer submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as Dr. Meyer and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Meyer and his medical practice, and shall review Dr. Meyer's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Meyer and his medical practice, and on the review of Dr. Meyer's patient charts. Dr. Meyer shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Meyer's quarterly declaration.

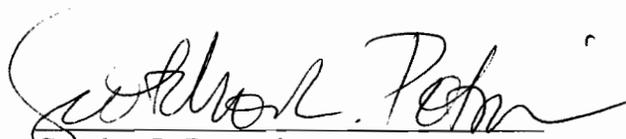
In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Meyer must immediately so notify the Board in writing. In addition, Dr. Meyer shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the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

- E. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Meyer's certificate will be fully restored.
- F. **RELEASES:** Dr. Meyer 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 Dr. Meyer's chemical abuse 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, Ohio Revised Code, and are confidential pursuant to statute.

Dr. Meyer shall also provide the Board written consent permitting any treatment provider from whom Dr. Meyer 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. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Meyer violates the terms of this Order 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.
- H. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Meyer 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, Dr. Meyer 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. This requirement shall continue until Dr. Meyer receives from the Board written notification of the reinstatement or restoration of his certificate to practice allopathic medicine and surgery in Ohio.
- I. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Meyer 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. Dr. Meyer 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, Dr. Meyer shall provide this Board with a copy of the return receipt as proof of notification within 30 days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Meyer receives from the Board written notification of the reinstatement or restoration of his certificate to practice allopathic medicine and surgery in Ohio.
- J. **SUPERSEDE PREVIOUS STEP II CONSENT AGREEMENT:** This Order shall supersede the terms and conditions set forth in the August 9, 2006, Step II agreement between Dr. Meyer and the Board.

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


Gretchen L. Petrucci
Hearing Examiner



State Medical Board of Ohio

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

EXCERPT FROM THE DRAFT MINUTES OF MARCH 14, 2007

REPORTS AND RECOMMENDATIONS

Dr. Kumar announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He 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: Paula Clark Adkins, M.D.; Thomas Leon Gemmer, P.A.; Jeffrey Michael Halter, M.D.; Jeffrey Vaughn Meyer, M.D.; Alan J. Parks, M.D.; Arthur Richard Schramm, M.D.; Philip L. Creps, D.O.; Mark Allen Davis, M.T.; Basma Ricaurte, M.D.; Albert W. Smith, III, M.D.; and Lovsho Phen, M.D. A roll call was taken:

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

Dr. Kumar 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. Buchan | - aye |
| | Dr. Madia | - aye |
| | Mr. Browning | - aye |

Ms. Sloan - aye
Dr. Davidson - aye
Dr. Robbins - aye
Dr. Steinbergh - aye
Dr. Kumar - aye

Dr. Kumar 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. They may, however, participate in the matters of Dr. Halter and Dr. Ricaurte, as those cases are not disciplinary in nature and concern only the doctors' qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

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

.....

JEFFREY VAUGHN MEYER, M.D.

.....

DR. EGNER MOVED TO AMEND THE FINDINGS OF FACT BY ADDING FINDINGS THAT: 1. THE SECRETARY AND SUPERVISING MEMBER, AT THE TIME THEY MADE THE RECOMMENDATION TO SUMMARILY SUSPEND THE LICENSE OF DR. MEYER, HAD CLEAR AND CONVINCING EVIDENCE THAT DR. MEYER HAD VIOLATED R.C. 4731.22(B)(26), AND, 2. THEREFORE, HIS CONTINUED PRACTICE OF MEDICINE CONSTITUTED A DANGER OF IMMEDIATE AND SERIOUS HARM TO THE PUBLIC. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

ROLL CALL: Mr. Albert - abstain
Dr. Egner - aye
Dr. Talmage - abstain
Dr. Buchan - aye
Dr. Madia - aye
Mr. Browning - aye
Ms. Sloan - aye
Dr. Davidson - aye
Dr. Robbins - aye
Dr. Steinbergh - aye

The motion carried.

.....

DR. BUCHAN MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF JEFFREY VAUGHN MEYER, M.D. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

| | | |
|------------|----------------|-----------|
| ROLL CALL: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Dr. Talmage | - abstain |
| | Dr. Buchan | - aye |
| | Dr. Madia | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Robbins | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.



State Medical Board of Ohio

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

November 8, 2006

Jeffrey Vaughn Meyer, M.D.
201 Fern Hill Drive
Granville, OH 43023

Dear Doctor Meyer:

Enclosed please find certified copies of the Entry of Order, the Notice of Summary Suspension and Opportunity for Hearing, and an excerpt of the Minutes of the State Medical Board, meeting in regular session on November 8, 2006, including a Motion adopting the Order of Summary Suspension and issuing the Notice of Summary Suspension and Opportunity for Hearing.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate, in violation of Section 4731.41, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing on the matters set forth in the Notice of Summary Suspension and Opportunity for Hearing. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice. Further information concerning such hearing is contained within the Notice of Summary Suspension and Opportunity for Hearing.

THE STATE MEDICAL BOARD OF OHIO


Lance A. Talmage, M.D., Secretary

LAT/KSP/flb
Enclosures

Mailed 11-9-06

CERTIFICATION

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, meeting in regular session on November 8, 2006, to Adopt the Order of Summary Suspension and to Issue the Notice of Summary Suspension and Opportunity for Hearing, constitute true and complete copies of the Motion and Order in the Matter of Jeffrey Vaughn Meyer, M.D., as they appear in the Journal of the State Medical Board of Ohio.

This certification is made under the authority of the State Medical Board of Ohio and in its behalf.


Lance A. Talmage, M.D., Secretary

(SEAL)

November 8, 2006 _____

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
 :
 :
JEFFREY VAUGHN MEYER, M.D. :

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 8th day of November, 2006.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Raymond J. Albert, Supervising Member; and

Pursuant to their determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that there is clear and convincing evidence that Jeffrey Vaughn Meyer, M.D., has violated Sections 4731.22(B)(15) and (B)(26), Ohio Revised Code, as alleged in the Notice of Summary Suspension and Opportunity for Hearing that is enclosed herewith and fully incorporated herein; and,

Pursuant to their further determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that Dr. Meyer's continued practice presents a danger of immediate and serious harm to the public;

The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 8th day of November, 2006:

It is hereby ORDERED that the certificate of Jeffrey Vaughn Meyer, M.D., to practice medicine or surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that Jeffrey Vaughn Meyer, M.D., shall immediately cease the practice of medicine and surgery in Ohio and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.

(SEAL)


Lance A. Talmage, M.D., Secretary

November 8, 2006

Date



State Medical Board of Ohio

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

EXCERPT FROM DRAFT MINUTES OF NOVEMBER 8, 2006

JEFFREY VAUGHN MEYER, M.D. – ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Order of Summary Suspension and Notice of Opportunity For Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. STEINBERGH MOVED TO ENTER AN ORDER OF SUMMARY SUSPENSION IN THE MATTER OF JEFFREY VAUGHN MEYER, M.D., IN ACCORDANCE WITH SECTION 4731.22(G), OHIO REVISED CODE, AND TO ISSUE THE NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING. DR. DAVIDSON SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Egner | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Davidson | - aye |
| | Dr. Madia | - aye |
| | Dr. Steinbergh | - aye |
| | Dr. Robbins | - aye |

The motion carried.



State Medical Board of Ohio

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

NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

November 8, 2006

Jeffrey Vaughn Meyer, M.D.
201 Fern Hill Drive
Granville, OH 43023

Dear Doctor Meyer:

The Secretary and the Supervising Member of the State Medical Board of Ohio [Board] have determined that there is clear and convincing evidence that you have violated Sections 4731.22(B)(15) and (B)(26), Ohio Revised Code, and have further determined that your continued practice presents a danger of immediate and serious harm to the public, as set forth in paragraphs (1) through (4), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Raymond J. Albert, Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your certificate to practice medicine or surgery in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice medicine and surgery in Ohio.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the Board intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about October 12, 2005, you entered into a Step I Consent Agreement [October 2005 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon your violations of Sections 4731.22(B)(26) and (B)(5), Ohio Revised Code. Pursuant to the terms of the October 2005 Step I Consent Agreement, you made certain admissions, which included: that you obtained an Ohio training certificate to begin a pathology fellowship in or about July of 2005; that, on or about July 7, 2005, you provided a urine specimen for a pre-employment drug screen and that said specimen tested positive for the presence of marijuana; that, on or about August 15, 2005, you entered Shepherd Hill, a Board-approved treatment provider in Newark, Ohio, for the purpose of undergoing a three-day inpatient evaluation to determine if you were in violation of Section 4731.22(B)(26), Ohio Revised Code; that the evaluators at Shepherd Hill diagnosed

you with Cannabis Abuse, determined that you were impaired in your ability to practice according to acceptable and prevailing standards of care, and concluded that you needed residential or inpatient treatment; and that a urine specimen obtained from you upon your admission to Shepherd Hill on August 15, 2005, tested positive for the presence of marijuana.

In the October 2005 Step I Consent Agreement, you also agreed to certain specified terms, conditions, and limitations, including that your training certificate was suspended for an indefinite period of time, but not less than 90 days, and that you shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to you by another so authorized by law who has full knowledge of your history of chemical dependency.

- (2) On or about August 9, 2006, you entered into a Step II Consent Agreement [August 2006 Step II Consent Agreement] with the Board, whereby you were granted a certificate to practice medicine and surgery in the State of Ohio, and wherein you agreed that your certificate to practice medicine and surgery in the State of Ohio would be subject to certain specified probationary terms, conditions, and limitations for a period of five years. A copy of the August 2006 Step II Consent Agreement is attached hereto and fully incorporated herein.

In Paragraph 8 of the August 2006 Step II Consent Agreement, you agreed that you shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to you by another so authorized by law who has full knowledge of your history of chemical dependency. Despite the requirements of Paragraph 8, a urine specimen that you provided on or about October 10, 2006, tested positive for the presence of marijuana and was GC/MS confirmed for the presence of cannabinoids.

- (3) In the "Failure to Comply" provision of your August 2006 Step II Consent Agreement, you contractually agreed that, if the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that you have violated any term, condition, or limitation of the agreement, that violation, as alleged, also constitutes clear and convincing evidence that your continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.
- (4) Section 4731.22(B)(26), Ohio Revised Code, provides that if the Board determines that an individual's ability to practice is impaired, the Board shall suspend the individual's certificate and shall require the individual, as a condition for continued, reinstated, or renewed certification to practice, to submit to treatment and, before being eligible to apply for reinstatement, to demonstrate to the Board the ability to resume practice in compliance with acceptable and prevailing standards of care,

including completing required treatment, providing evidence of compliance with an aftercare contract or written consent agreement, and providing written reports indicating that the individual's ability to practice has been assessed by individuals or providers approved by the Board and that the individual has been found capable of practicing according to acceptable and prevailing standards of care.

Further, Rule 4731-16-02(B)(3), Ohio Administrative Code, provides that if an examination discloses impairment, or if the Board has other reliable, substantial and probative evidence demonstrating impairment, the Board shall initiate proceedings to suspend the licensee, and may issue an order of summary suspension as provided in Section 4731.22(G), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) 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 4731.22(B)(26), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning these matters. 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 to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent.

Notice of Summary Suspension
& Opportunity for Hearing
Jeffrey Vaughn Meyer, M.D.
Page 4

An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,

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

Lance A. Talmage, M.D.
Secretary

LAT/KSP/flb
Enclosures

CERTIFIED MAIL #7004 2510 0006 9802 9506
RETURN RECEIPT REQUESTED

STEP II
CONSENT AGREEMENT
BETWEEN
JEFFREY VAUGHN MEYER, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO

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

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

BASIS FOR ACTION

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

- A. The Board is empowered by Section 4731.22, 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 a violation of by Section 4731.22(B)(26), "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," and/or for a violation of Section 4731.22(B)(5), "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(26) and (B)(5), Ohio Revised Code, as set forth in Paragraphs E, F and G of the Step I Consent Agreement between Jeffrey Vaughn Meyer, M.D., and the State Medical Board of Ohio, effective October 12, 2005 [October 2005 Step I Consent Agreement], a copy of which is attached hereto and incorporated herein, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731 of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.
- C. Dr. Meyer held an Ohio training certificate, License # 57-010102, until June 30, 2006,

at which time said training certificate expired. Dr. Meyer's training certificate had been suspended since October 12, 2005, as a result of the October 2005 Step I Consent Agreement. Dr. Meyer has not submitted a renewal request for said training certificate, License # 57-010102. On or about April 27, 2006, Dr. Meyer submitted an application for a certificate to practice medicine and surgery in Ohio, and said application is currently pending.

- D. Dr. Meyer states that he held a training certificate in North Carolina, but that said training certificate is inactive. Dr. Meyer states that he does not hold a training certificate in any other state or jurisdiction and that he is not licensed to practice medicine or surgery in any other state or jurisdiction.
- E. Dr. Meyer admits that, on or about October 11, 2005, he entered the Woods at Parkside [Parkside], a Board-approved treatment provider in Columbus, Ohio, for inpatient treatment of cannabis abuse. Dr. Meyer states, and the Board acknowledges receipt of information to support, that he successfully completed inpatient treatment at Parkside and was discharged on November 8, 2005.
- F. Dr. Meyer admits that he entered into an aftercare contract, entitled "Continuing Care Contract," with Parkside on November 8, 2005, and that said aftercare contract remains in effect to date. Dr. Meyer further states, and the Board acknowledges receipt of information to support, that he has remained compliant with the terms of said aftercare contract.
- G. Dr. Meyer further states, and the Board acknowledges receipt of information to support, that, on or about November 18, 2005, Dr. Meyer entered into an advocacy contract with the Ohio Physicians Health Program, and that he has remained compliant with the terms of said contract.
- H. Dr. Meyer states, and the Board acknowledges, that Edna Jones, M.D., of Parkside, has provided a written report indicating that Dr. Meyer's ability to practice has been assessed and that he has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place.
- I. Dr. Meyer states, and the Board acknowledges, that David D. Goldberg, D.O., of Green Memorial Hospital, a Board-approved treatment provider in Xenia, Ohio, has provided a written report indicating that Dr. Meyer's ability to practice has been assessed and that he has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place, including that Dr. Meyer obtain psychological counseling for grief issues. Dr. Goldberg recommended 20 to 30

sessions with the actual number and frequency to be determined by Dr. Meyer's therapist.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Dr. Meyer shall be GRANTED a certificate to practice medicine and surgery in the State of Ohio, upon receipt of all necessary and appropriate documentation, and Dr. Meyer knowingly and voluntarily agrees with the Board that said certificate to practice medicine and surgery shall be subject to the following PROBATIONARY terms, conditions and limitations:

1. Dr. Meyer shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Meyer shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the date his quarterly declaration would have been due pursuant to his October 2005 Step I Consent Agreement with the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Meyer shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place on the date his appearance would have been scheduled pursuant to his October 2005 Step I Consent Agreement with the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. Dr. Meyer shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
5. In the event Dr. Meyer is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. Dr. Meyer shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, thirty days prior to Dr. Meyer's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Meyer shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
7. Dr. Meyer shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Meyer to administer or personally furnish controlled substances, Dr. Meyer shall keep a log of all controlled substances prescribed, administered or personally furnished. Such log shall be submitted in the format approved by the Board thirty days prior to Dr. Meyer's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Meyer shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board upon request.

Sobriety

8. Dr. Meyer shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Meyer's history of chemical dependency.
9. Dr. Meyer shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Supervising Physician

10. Dr. Meyer shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Meyer shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

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

Dr. Meyer and the Board agree that the person or entity previously approved by the Board to serve as Dr. Meyer's supervising physician pursuant to the October 2005 Step I Consent Agreement is hereby approved to continue as Dr. Meyer's designated supervising physician under this Consent Agreement, unless within thirty days of the

effective date of this Consent Agreement, Dr. Meyer submits to the Board for its prior approval the name and curriculum vitae of an alternative supervising physician to whom Dr. Meyer shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Meyer. Dr. Meyer 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. Further, the supervising physician shall ensure that additional testing of urine specimens for ethyl glucuronide is done on a random basis to include at least one out of every four urine specimens.

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

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

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

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

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

Psychological Counseling

12. Within thirty days of the effective date of this Consent Agreement, Dr. Meyer shall submit to the Board, for prior written approval, the name and curriculum vitae of a psychologist or other appropriately licensed mental health professional of Dr. Meyer's choice.

Upon approval by the Board, Dr. Meyer shall undergo and continue psychological counseling every other week for a minimum of twenty sessions, or as otherwise directed by the Board. Dr. Meyer shall comply with his psychological counseling treatment plan, and shall ensure that psychotherapy reports are forwarded by his psychologist or other licensed mental health professional to the Board on a quarterly basis, or as otherwise directed by the Board. The psychotherapy reports shall contain the following information: Dr. Meyer's current psychological counseling treatment plan and any changes that have been made to the psychological counseling treatment plan since the prior report; Dr. Meyer's compliance with his psychological counseling treatment plan; Dr. Meyer's mental status; and Dr. Meyer's progress in treatment. In addition, Dr. Meyer shall ensure that his psychologist or other licensed mental health professional immediately notifies the Board of Dr. Meyer's failure to comply with his psychological counseling treatment plan.

In the event that the designated psychologist or other licensed mental health professional becomes unable or unwilling to serve in this capacity, Dr. Meyer must immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychologist or other appropriately licensed mental health professional as soon as practicable. Dr. Meyer shall further ensure that the previously designated psychologist or licensed mental health professional also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Dr. Meyer shall continue with psychological counseling until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require a report from the approved psychologist or other licensed mental health professional, indicating that Dr. Meyer has completed at least twenty psychological counseling sessions and that further psychological counseling sessions are not necessary.

Monitoring Physician

13. Before engaging in any medical practice, Dr. Meyer shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Meyer and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Meyer and his medical practice, and shall review Dr. Meyer's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Meyer and his medical practice and on the review of Dr. Meyer's patient charts. Dr. Meyer shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Meyer's quarterly declaration.

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

Rehabilitation Program

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

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

Aftercare/ Physician Health Program

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

Releases

17. Dr. Meyer shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Meyer's chemical dependency, psychological issues or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Meyer further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment plan, treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.

Required Reporting by Licensee

18. Within thirty days of the effective date of this Consent Agreement, Dr. Meyer shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training, and to the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Meyer shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services or applies for or receives training, and to the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
19. Within thirty days of the effective date of this Consent Agreement, Dr. Meyer shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Meyer further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license. Further, Dr. Meyer shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
20. Dr. Meyer shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Meyer chemical dependency treatment or monitoring and/or psychological treatment or counseling.

FAILURE TO COMPLY

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

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

DURATION/MODIFICATION OF TERMS

Dr. Meyer shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Meyer shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year, with the exception of the requirement of psychological counseling contained in Paragraph 12 above, which may be modified during the first year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Meyer acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

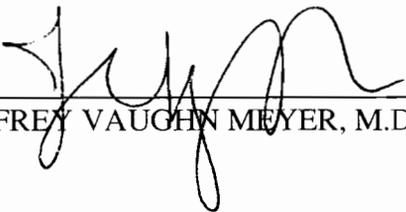
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

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

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

EFFECTIVE DATE

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



JEFFREY VAUGHN MEYER, M.D.

7-10-2006

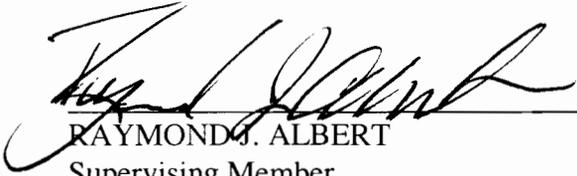
DATE



LANCE A. TALMAGE, M.D.
Secretary

8-9-06

DATE



RAYMOND J. ALBERT
Supervising Member

8/9/06

DATE



KATHLEEN S. PETERSON
Enforcement Attorney

7/24/06

DATE

STEP I
CONSENT AGREEMENT
BETWEEN
JEFFREY VAUGHN MEYER, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO

This Consent Agreement is entered into by and between Jeffrey Vaughn Meyer, M.D., and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

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

BASIS FOR ACTION

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

- A. The Board is empowered by Section 4731.22, 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 a violation of by Section 4731.22(B)(26), “impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,” and/or for a violation of Section 4731.22(B)(5), “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraphs (E) and (F) below, and Section 4731.22(B)(5), Ohio Revised Code, as set forth in Paragraph (G) below. The Board expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. Dr. Meyer holds an Ohio training certificate, Certificate # 57-010102.

- D. Dr. Meyer states that he held a training certificate in North Carolina, but that said training certificate is inactive. Dr. Meyer states that he does not hold a training certificate in any other state or jurisdiction and that he is not licensed to practice medicine or surgery in any other state or jurisdiction.
- E. Dr. Meyer states that he obtained the Ohio training certificate to begin a pathology fellowship in or about July of 2005. Dr. Meyer admits that, on or about July 7, 2005, he provided a urine specimen for a pre-employment drug screen and that said specimen tested positive for the presence of marijuana.
- F. Dr. Meyer admits that, on or about August 15, 2005, he entered Shepherd Hill, a Board-approved treatment provider in Newark, Ohio, for the purpose of undergoing a three-day inpatient evaluation to determine if he is in violation of Section 4731.22(B)(26), Ohio Revised Code. Dr. Meyer admits that the evaluators at Shepherd Hill diagnosed him with Cannabis Abuse, determined that he was impaired in his ability to practice according to acceptable and prevailing standards of care, and concluded that he needed residential or inpatient treatment. Dr. Meyer further admits that a urine specimen obtained from him upon his admission to Shepherd Hill on August 15, 2005, tested positive for the presence of marijuana.
- G. Dr. Meyer admits that, in submitting his Application for Training Certificate on or about April 21, 2005, he answered "NO" to question which asked whether he was currently engaged in the illegal use of controlled substances. Dr. Meyer admits that the question in his Application for Training Certificate contained the following definition of current use: "Currently" does not mean on the day of, or even in the weeks or months preceding the completion of this application ... [r]ather it means recently enough so that the use of drugs may have an ongoing impact on one's functioning as a licensee, or within the past two years. Dr. Meyer admits that, in 2005, he had been using marijuana every other weekend, until relocating to Ohio in May of 2005.

AGREED CONDITIONS

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

SUSPENSION OF CERTIFICATE

1. Dr. Meyer's Ohio training certificate shall be **SUSPENDED** for an indefinite period of time, but not less than 90 days. During such suspension period, Dr. Meyer shall be ineligible to receive or hold any other certificate issued by the Board.

Sobriety

2. Dr. Meyer shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Meyer's history of chemical abuse and/or dependency.
3. Dr. Meyer shall abstain completely from the use of alcohol.

Releases; Quarterly Declarations and Appearances

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

Drug & Alcohol Screens; Supervising Physician

7. Dr. Meyer shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Meyer shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

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

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

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

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

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

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

Rehabilitation Program

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

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

CONDITIONS FOR CONSIDERATION FOR RENEWAL OR ISSUANCE OF CERTIFICATE

10. The Board shall not consider the reinstatement or renewal of Dr. Meyer's training certificate or the issuance of any other certificate to Dr. Meyer until all of the following conditions are met:
- a. Dr. Meyer shall submit an application for reinstatement or renewal of his training certificate or an application for issuance of another certificate by the Board, as appropriate, accompanied by appropriate fees, if any.
 - b. Dr. Meyer shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
 - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Meyer has successfully completed any required inpatient treatment.
 - ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
 - iii. Evidence of continuing full compliance with this Consent Agreement.
 - iv. Two written reports indicating that Dr. Meyer's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by physicians knowledgeable in the area of addictionology and who are either

affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Meyer. Prior to the assessments, Dr. Meyer shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Meyer, and any conditions, restrictions, or limitations that should be imposed on Dr. Meyer's practice. The reports shall also describe the basis for the evaluator's determinations.

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

- c. Dr. Meyer shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Meyer are unable to agree on the terms of a written Consent Agreement, then Dr. Meyer 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 or renewal of Dr. Meyer's training certificate or upon the issuance of any other certificate to Dr. Meyers by the Board, 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 renewal of his training certificate or issuance of another license by this Board to him, or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code. Moreover, upon termination of the consent agreement or Board Order, Dr. Meyer shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Meyer has maintained sobriety.

11. In the event that Dr. Meyer has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or renewal of his training certificate or issuance of another license by the Board, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Meyer's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

12. Within thirty days of the effective date of this Consent Agreement, Dr. Meyer shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any

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

13. Within thirty days of the effective date of this Consent Agreement, Dr. Meyer shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Meyer shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
14. Dr. Meyer shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Meyer treatment or monitoring for chemical abuse and/or dependency.

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

FAILURE TO COMPLY

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

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Meyer acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

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

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

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Meyer acknowledges that his social security number will be

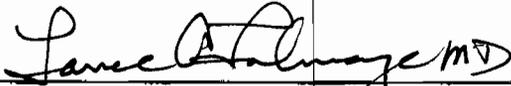
used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

EFFECTIVE DATE

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



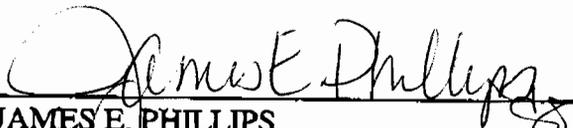
JEFFREY VAUGHN MEYER, M.D.



LANCE A. TALMAGE, M.D.
Secretary

10-12-2005
DATE

10-12-05
DATE



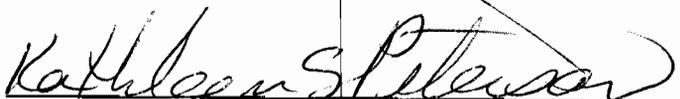
JAMES E. PHILLIPS
Attorney for Dr. Meyer



RAYMOND J. ALBERT
Supervising Member

10/12/05
DATE

10/12/05
DATE



KATHLEEN S. PETERSON
Enforcement Attorney

10/12/05
DATE