

**STEP II**  
**CONSENT AGREEMENT**  
**BETWEEN**  
**JODY LEE NELSON SHORT, D.O.**  
**AND**  
**THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Jody Lee Nelson Short, D.O., [Dr. Short], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

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

**BASIS FOR ACTION**

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

- A. The Board is empowered by Section 4731.22(B)(26), 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 “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.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraph E of the May 10, 2006 Step I Consent Agreement Between Jody Lee Nelson Short, D.O., and the State Medical Board of Ohio [May 2006 Step I Consent Agreement], a copy of which is attached hereto and fully incorporated herein, as well as in Paragraphs E through 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 Consent Agreement.
- C. Dr. Short is applying for reinstatement of his osteopathic training certificate, credential number 58.001948, which was suspended for an indefinite period of time, pursuant to terms of the above-referenced May 2006 Step I Consent Agreement.

- D. Dr. Short states that he does not hold an osteopathic training certificate in any other state or jurisdiction and that he is not licensed to practice osteopathic medicine and surgery in any other state or jurisdiction.
- E. Dr. Short admits that on or about April 17, 2006 he entered inpatient treatment for diagnoses including opiate and alcohol dependence in remission at The Woods at Parkside [Parkside], a Board-approved treatment provider in Columbus, Ohio, and that he was discharged treatment complete on or about May 15, 2006. Dr. Short further admits that he was prescribed Suboxone for opiate maintenance and chronic back pain following his discharge from Parkside, but that he was weaned off of this medication in or about September 2006. Dr. Short states and the Board acknowledges receipt of information to support that he has remained compliant with the terms of his aftercare contract with Parkside, which is effective from on or about June 26, 2006, to June 26, 2008.
- F. Dr. Short states and the Board acknowledges that Edna Jones, M.D., a physician approved by the Board for purposes of this evaluation, provided a written report indicating that Dr. Short's ability to practice has been assessed and that he has been found capable of practicing osteopathic medicine and surgery according to acceptable and prevailing standards of care, as long as certain treatment and monitoring requirements are in place. Dr. Short further states that while at Parkside, he was diagnosed as having a history of depression for which he was prescribed medication.
- Dr. Short states and the Board acknowledges that David Goldberg, D.O., Medical Director of Greene Hall, a Board-approved treatment provider in Xenia, Ohio, provided a written report indicating that Dr. Short's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care, as long as certain treatment and monitoring requirements are in place, including that he receives psychological counseling for a minimum of six to twelve months to aid in the management of stress.
- G. Dr. Short states and the Board acknowledges receipt of information to support that Dr. Short has fulfilled the conditions for reinstatement of his osteopathic training certificate in the State of Ohio, as established in the above-referenced May 2006 Step I Consent Agreement between Dr. Short and the Board.

### **AGREED CONDITIONS**

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

1. Dr. Short shall obey all federal, state, and local laws, and all rules governing the practice of osteopathic medicine in Ohio.
2. Dr. Short 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 May 2006 Step I Consent Agreement with the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Short 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 May 2006 Step I Consent Agreement with the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. Dr. Short 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. Short 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. Short 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. Short's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Short shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
7. Dr. Short 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. Short to administer or personally furnish controlled substances, Dr. Short 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. Short's personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Short 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. Short 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. Short's history of chemical dependency.
9. Dr. Short shall abstain completely from the use of alcohol.

### **Drug and Alcohol Screens/Supervising Physician**

10. Dr. Short shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Short 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. Short shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Dr. Short and the Board agree that the person or entity previously approved by the Board to serve as Dr. Short's supervising physician pursuant to the May 2006 Step I Consent Agreement is hereby approved to continue as Dr. Short's designated supervising physician under this Consent Agreement, unless within thirty days of the effective date of this Consent Agreement, Dr. Short submits to the Board for its prior approval the name and curriculum vitae of an alternative supervising physician to whom Dr. Short 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. Short. Dr. Short 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. Short's designated supervising physician, or to withdraw approval of any person or entity previously approved to serve as Dr. Short'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. Short 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. Short must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Short 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. Short's quarterly declaration. It is Dr. Short's responsibility to ensure that reports are timely submitted.

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

12. Within thirty days of the effective date of this Consent Agreement, Dr. Short shall submit to the Board for its prior approval the name and qualifications of a psychologist of his choice. Upon approval by the Board, Dr. Short shall undergo and continue psychological treatment weekly for six months, after which the frequency of the psychological treatment is to be determined by his Board-approved treating psychologist or as otherwise directed by the Board. Dr. Short shall comply with his psychological treatment plan, including taking medications as prescribed and/or ordered. Dr. Short shall ensure that psychological reports are forwarded by his treating psychologist to the Board on a quarterly basis, or as otherwise directed by the Board. The psychological reports shall contain information describing Dr. Short's

current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Short's compliance with his treatment plan; Dr. Short's mental status; Dr. Short's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Short shall ensure that his treating psychologist immediately notifies the Board of his failure to comply with his psychological treatment plan and/or any determination that Dr. Short is unable to practice due to his psychiatric disorder. It is Dr. Short's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Short's quarterly declaration.

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

### **Monitoring Physician**

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

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

While Dr. Short participates in a residency program accredited by the ACGME or AOA, the Board shall accept a quarterly statement from the director of Dr. Short's residency program, or alternatively, from the attending physician specifically designated by the residency director as the person having responsibility to directly oversee Dr. Short's clinical rotations, addressing Dr. Short's performance (clinical and otherwise) in the residency program, as well as his progress and status, if timely

submitted, as satisfaction of the requirements of this paragraph. Should Dr. Short desire to utilize this option in lieu of having a monitoring physician while he participates in a residency program, Dr. Short shall so notify the Board by providing a writing, signed by both himself and his residency director, and, if applicable, by the attending physician specifically designated by the residency director as the person having responsibility to directly oversee Dr. Short's clinical rotations, to the Board before participating in the residency program. Further, should Dr. Short cease participation in an accredited residency and desire to practice outside his residency, if legally authorized to do so pursuant to appropriate licensure, or should his residency director or the designated attending physician become unable or unwilling to serve, Dr. Short must immediately so notify the Board in writing and within thirty days make arrangements for a monitoring physician, as discussed above.

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

### **Rehabilitation Program**

14. Dr. Short shall maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Short 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. Short's quarterly declarations.

### **Aftercare**

15. Dr. Short shall contact an appropriate impaired physicians committee, approved by the Board, to arrange for assistance in recovery or aftercare.
16. Dr. Short shall maintain continued compliance with the terms of the aftercare contract entered into with his treatment provider, provided that, where terms of the aftercare contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

### **Releases**

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

#### **Required Reporting by Licensee**

18. Within thirty days of the effective date of this Consent Agreement, Dr. Short 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. Short 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.
19. Within thirty days of the effective date of this Consent Agreement, Dr. Short 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. Short 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. Short 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. Short shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Short chemical dependency treatment or monitoring.

#### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Short 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. Short has violated any term, condition or limitation of this Consent Agreement, Dr. Short 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. Short shall not request termination of this Consent Agreement for a minimum of five years. All subsequent training certificates or other certificates that may be granted by the Board to Dr. Short shall be subject to the same probationary terms, conditions and limitations, unless otherwise determined by the Board, until Dr. Short has completed at least a five year probationary period with the Board. In addition, Dr. Short shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

Dr. Short 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. Short 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. Short 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**

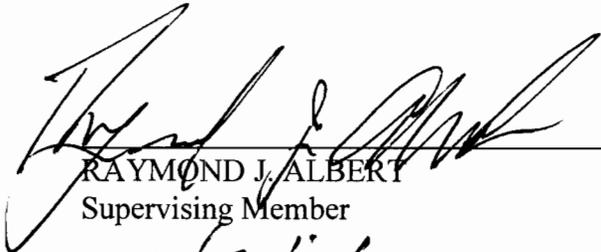
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
\_\_\_\_\_  
JODY LEE NELSON SHORT, D.O.

11/6/06  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
LANCE A. TALMAGE, M.D.  
Secretary

11-09-06  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
RAYMOND J. ALBERT  
Supervising Member

11/9/06  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
MARCIE PASTRICK  
Enforcement Attorney

11-06-06  
\_\_\_\_\_  
DATE

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**STEP I  
CONSENT AGREEMENT  
BETWEEN  
JODY LEE NELSON SHORT, D.O.,  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Jody Lee Nelson Short, D.O., [Dr. Short] and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

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

**BASIS FOR ACTION**

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

- A. The Board is empowered by Section 4731.22(B)(26), 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 "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."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraph E below, 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 Agreement.
- C. Dr. Short holds an osteopathic training certificate, credential number 58.001948.
- D. Dr. Short states that he does not hold a osteopathic training certificate in any other state or jurisdiction and that he is not licensed to practice osteopathic medicine and surgery in any other state or jurisdiction.
- E. Dr. Short admits that on or about April 10, 2006, as ordered by the Board, he entered Shepherd Hill, a Board-approved treatment provider in Newark, Ohio, for the purpose of undergoing a three-day evaluation to determine whether he is in violation of Section

4731.22(B)(26), Ohio Revised Code. Dr. Short further admits that as a result of this examination at Shepherd Hill, he was diagnosed with opiate dependence and alcohol abuse with probable alcohol dependence and determined to be impaired in his ability to practice according to acceptable and prevailing standards of care due to the habitual or excessive use or abuse of alcohol and drugs. Dr. Short further admits that on or about April 17, 2006, he entered The Woods at Parkside, a Board-approved treatment provider in Columbus, Ohio, for further treatment, to include a minimum of 28 days of residential treatment.

Dr. Short further admits that this evaluation order was based in part upon his response to question fifteen of his application for an osteopathic training certificate [application] in which he listed prior alcohol-related charges, arrests and convictions, including Illegal Consumption of Alcohol by a Minor in or about March 1991 and again in May 1992; Battery and dismissal of the charge of Illegal Consumption of Alcohol by a Minor in or about April 1993; Unlawful Possession of Alcoholic Liquor by a Minor in or about August 1993; Battery and dismissal of the charge of Assault in or about October 1994; and Resisting Arrest, Abusive Language to Officer and Obscene Gesture to Officer, and dismissal of the charges of Public Intoxication and Failure to Obey an Officer in or about January 2003. Dr. Short further admits that he had become dependent upon and used hydrocodone, from in or about 2003 to December 2004, after which he was prescribed Suboxone, a drug used in the treatment of opiate dependence.

Dr Short further admits that this evaluation order also was based in part upon his response to question four of his application in which he reported that from in or about July 2003 to October 2003, he was in a residency program at Loma Linda University Medical Center in Loma Linda, California; and at the start of his residency, he voluntarily disclosed to the residency program administrators the series of arrests which involved alcohol. Dr. Short further admits that the administrators of the residency program requested that he undergo an evaluation, however he did not undergo an evaluation and resigned from the residency program.

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

**SUSPENSION OF CERTIFICATE**

The osteopathic training certificate of Dr. Short shall be **SUSPENDED** for an indefinite period of time.

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Sobriety

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

Releases; Quarterly Declarations and Appearances

4. Dr. Short 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. Short's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Short 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. Short 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. Short 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. Short shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Short shall ensure that all screening

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reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Dr. Short 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. Short shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Short 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. Short. Dr. Short 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. Short 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 serve, Dr. Short must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Short 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. Short's quarterly declaration. It is Dr. Short's responsibility to ensure that reports are timely submitted.

- 8. The Board retains the right to require, and Dr. Short agrees to submit, blood or urine specimens for analysis at Dr. Short'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. Short 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. Short 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. Short's quarterly declarations.

#### CONDITIONS FOR REINSTATEMENT/ISSUANCE OF CERTIFICATE

10. The Board shall not consider reinstatement or renewal of Dr. Short's osteopathic training certificate or issuance of any other certificate to Dr. Short until all of the following conditions are met:
- a. Dr. Short shall submit an application for reinstatement, renewal of his training certificate or issuance of another certificate by the Board (as appropriate) accompanied by appropriate fees, if any.
  - b. Dr. Short 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. Short 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. Short'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. Short. Prior to the assessments, Dr. Short 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. Short, and any conditions, restrictions, or limitations that

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should be imposed on Dr. Short'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.

Dr. Short shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Short are unable to agree on the terms of a written Consent Agreement, then Dr. Short 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. Short's osteopathic training certificate in this state, or issuance of any other certificate to Dr. Short 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 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. Short 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. Short has maintained sobriety.

- 11. In the event that Dr. Short has not been engaged in the active practice of osteopathic medicine and surgery or as a participant in a program of graduate medical education for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Short's fitness to resume practice.

**REQUIRED REPORTING BY LICENSEE**

- 12. Within thirty days of the effective date of this Consent Agreement, Dr. Short 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 licensc. Dr. Short 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. Short shall provide this Board with a copy of the return receipt as proof of notification within thirty days of rceiving that return receipt.
- 13. Within thirty days of the effective date of this Consent Agreement, Dr. Short 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. Short 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. Short shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Short chemical dependency treatment or monitoring.

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

### **FAILURE TO COMPLY**

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

STATE MEDICAL BOARD  
OF OHIO

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STEP I CONSENT AGREEMENT  
JODY LEE NELSON SHORT, D.O.  
PAGE 8

**EFFECTIVE DATE**

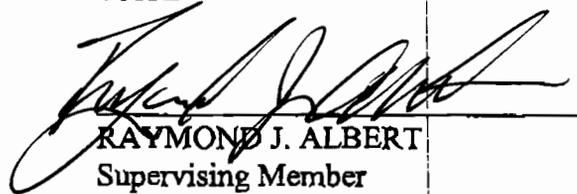
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
\_\_\_\_\_  
JODY LEE NELSON SHORT, D.O.

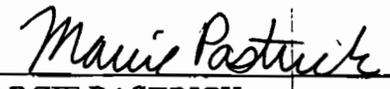
  
\_\_\_\_\_  
LANCE A. TALMAGE, M.D.  
Secretary

4/29/06  
DATE

5-10-06  
DATE

  
\_\_\_\_\_  
RAYMOND J. ALBERT  
Supervising Member

5/10/06  
DATE

  
\_\_\_\_\_  
MARCIE PASTRICK  
Enforcement Attorney

May 2, 2006  
DATE

STATE MEDICAL BOARD  
OF OHIO  
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