State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

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October 10, 2012

Stephen August Schemenauer, P.A.
2034 Clover Avenue
Cleveland, OH 44109

RE: Case No. 12-CRF-042

Dear Mr. Schemenauer:

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 October 10, 2012, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio, and adopting an Amended Order.

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

Such an appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

J. Craig Strafford MD MPH

J. Craig Strafford, M.D., M.P.H.
Secretary

JCS:jam
Enclosures

CERTIFIED MAIL NO. 91 7199 9991 7030 3308 9751
RETURN RECEIPT REQUESTED

Cc: Eric J. Plinke, Esq.
CERTIFIED MAIL NO. 91 7199 9991 7030 3308 9768
RETURN RECEIPT REQUESTED

Mailed 10-25-12

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 Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 10, 2012, 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, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Stephen August Schemenauer, P.A., Case No. 12-CRF-042, 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.

J. Craig Strafford MD MPH

J. Craig Strafford, M.D., M.P.H.
Secretary

(SEAL)

October 10, 2012
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF	*	
	*	CASE NO. 12-CRF-042
STEPHEN AUGUST SCHEMENAUER, P.A.	*	

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on October 10, 2012.

Upon the Report and Recommendation of Gretchen L. Petrucci, State Medical Board Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

Rationale for Amendment: Mr. Schemenauer's history of impairment and willful relapses have put people at risk and evidences his lack of personal responsibility.

It is hereby ORDERED that:

> The certificate of Stephen August Schemenauer, P.A., to practice as a physician assistant in the State of Ohio is PERMANENTLY REVOKED.

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

J. Craig Strafford MD MPH

J. Craig Strafford, M.D., M.P.H.
Secretary

(SEAL)

October 10, 2012
Date

STATE MEDICAL BOARD
OF OHIO

2012 SEP -4 PM 4:57

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of	*	
		Case No. 12-CRF-042
Stephen August Schemenauer, P.A.,	*	
		Hearing Examiner Petrucci
Respondent.	*	

REPORT AND RECOMMENDATION

Basis for Hearing

By letter dated April 11, 2012, the State Medical Board of Ohio ("Board") notified Stephen August Schemenauer, P.A., that it had summarily suspended his certificate to practice as a physician assistant ("PA") in Ohio, and that it intended to determine whether to take other disciplinary action. The Board based its proposed action on allegations that, pursuant to a January 2012 Board Order, Mr. Schemenauer was to abstain completely from alcohol, and that Mr. Schemenauer relapsed on alcohol in February 2012. Also, the Board alleged that the Cleveland Clinic Alcohol and Drug Recovery Center had evaluated Mr. Schemenauer thereafter, had diagnosed him with alcohol dependence and major depressive disorder, and had recommended treatment and suspension of his PA certificate.

Furthermore, the Board alleged the following:

- Mr. Schemenauer's acts, conduct, and/or omissions 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 the ability to practice," as set forth in Section 4730.25(B)(5), Ohio Revised Code.

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

Accordingly, the Board advised Mr. Schemenauer of his right to request a hearing in this matter. On May 9, 2012, Mr. Schemenauer requested a hearing. (State's Exhibits ("St. Exs.") 1A, 1B)

Appearances at the Hearing

Mike DeWine, Attorney General, and Kyle C. Wilcox, Assistant Attorney General, on behalf of the State of Ohio. Eric J. Plinke, Esq., on behalf of Mr. Schemenauer.

Hearing Date: August 28, 2012

PROCEDURAL MATTERS

A mental-health issue was not alleged in the April 11, 2012 Notice of Summary Suspension and Opportunity for Hearing. However, the Hearing Examiner noted that some of the evidence presented in this matter addressed a mental-health issue. In a conference call with counsel on August 31, 2012, Mr. Schemenauer agreed that he would waive any objection(s) to the Board's consideration of the evidence related to a mental-health issue and to the imposition by the Board of mental-health related terms in any sanction imposed in this matter.[1]

Also, Respondent's Exhibit C, which had been admitted at hearing, was placed under seal.

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.

Background

1. Stephen August Schemenauer, P.A., obtained an undergraduate degree in 2002 from Grand Valley State University in Allendale, Michigan. He worked as a nursing assistant after college. He obtained a master's degree in PA studies in 2007 from Marietta College in Marietta, Ohio. Mr. Schemenauer has been a reservist with the National Guard since 2002.[2] (Hearing Transcript ("Tr.") at 14; St. Ex. 4 at 37)

2. Mr. Schemenauer obtained a license to practice as a PA in West Virginia in September 2007. From December 2008 to May 2009, Mr. Schemenauer worked as a surgical PA at Ohio Valley Medical Center, which is a hospital in Wheeling, West Virginia. He also worked as a family-practice PA at Emerson Healthcare in Parkersburg, West Virginia, from December 2011 to March 2012. (Tr. at 15, 16; St. Ex. 4 at 38)

Alcohol-Related Incidents and Disciplinary Actions, 2005-2008

3. Between 2005 and 2008, Mr. Schemenauer was involved in alcohol-related incidents. Also during that period, he was subject to disciplinary action by the West Virginia Board of

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[1] In *In re Eastway*, 95 Ohio App.3d 516, 642 N.E.2d 1135 (10th Dist. 1994), cert. denied, the Franklin County Court of Appeals held that the Board could not require psychiatric treatment as a condition of probation when it had not charged a physician with being mentally impaired. Therefore, the Court concluded that a Board order including such sanctions is not supported by reliable, probative, and substantial evidence, and is not in accordance with the law. See also, *Lawrence S. Krain, M.D. v. State Med. Board of Ohio*, Franklin App. No. 97APE08-981 (Oct. 29, 1998).

[2] Mr. Schemenauer is employed part-time by the National Guard. He is active during "drill weekends" and when longer-term orders are issued. (Tr. at 43)

Medicine ("WV Board"), and he pursued licensure in Ohio. Below is a summary of those events:

- In October 2005, Mr. Schemenauer was convicted in Ohio of operating a vehicle under the influence of alcohol or drugs ("OVI"). (St. Ex. 4 at 38)
- In October 2006, Mr. Schemenauer was convicted in West Virginia of OVI. (St. Ex. 4 at 38)
- In September 2007, the WV Board granted Mr. Schemenauer a license to practice as a PA. (St. Ex. 4 at 38)
- In November 2007, the WV Board revoked Mr. Schemenauer's license because he had provided false answers regarding the two OVI convictions and had exhibited "a lack of candor" during a subsequent discussion of the matter with the PA Committee of the WV Board. (St. Ex. 4 at 38-39)
- In December 2007, Mr. Schemenauer filed an application for a certificate to practice as a PA in Ohio. Effective March 12, 2008, the Ohio Board accepted Mr. Schemenauer's request to withdraw his certificate application, in lieu of disciplinary proceedings pursuant to Sections 4730.25(B)(5), (B)(8), and (B)(18), Ohio Revised Code, for revocation of his license to practice in West Virginia and his history of impairment, among other things. Mr. Schemenauer admitted at that time that he was impaired in his ability to practice according to acceptable and prevailing standards of care due to the habitual use or abuse of alcohol. (St. Ex. 4 at 2-4, 11-13, 39-40)

Treatment for Chemical Dependency, Relapses, and Disciplinary Actions, 2008-2011

4. On several occasions between 2008 and 2011, Mr. Schemenauer received treatment for chemical dependency and relapsed. Also, he was subject to further actions by the WV Board. Below is a summary:

- Mr. Schemenauer received inpatient, chemical dependency treatment at Metro Atlanta Recovery Residences ("MARR") in Atlanta, Georgia, for 90 days, from February 27 to May 29, 2008. MARR was an Ohio Board-approved facility at the time. He was diagnosed with alcohol dependence. (St. Ex. 4 at 40; Tr. at 17)
- On May 30, 2008, Mr. Schemenauer entered into a five-year aftercare agreement with the West Virginia Medical Professionals Health Program ("WVMPHP"), which included monitoring, recovery group meetings and urine testing requirements. (St. Ex. 4 at 40)
- On July 28, 2008, Mr. Schemenauer consumed alcohol. The next day, he provided a urine sample for screening, and it was positive for alcohol. He doubled his recovery efforts thereafter. (St. Ex. 4 at 40)
- On November 20, 2008, the WV Board reinstated Mr. Schemenauer's license to practice as a PA until November 30, 2009. However, the WV Board concluded that the license would expire sooner if Mr. Schemenauer was not in compliance with his participation agreement with WVMPHP. (St. Ex. 4 at 15-19)

- On May 14, 2009, Mr. Schemenauer consumed alcohol, and a few hours later, he went to work at Ohio Valley Medical Center. The hospital personnel smelled the alcohol, and a breathalyzer test confirmed the presence of alcohol. (St. Ex. 4 at 40-41; Tr. at 15)
- Mr. Schemenauer turned in his West Virginia PA "wallet card," due to his non-compliance with regulations of the WVMPHP. The WV Board designated Mr. Schemenauer's license as "expired." (St. Ex. 4 at 20, 41)
- Mr. Schemenauer entered Bridge to Recovery in Bowling Green, Kentucky, on June 19, 2009. It was not an Ohio Board-approved treatment facility at the time. On July 20, 2009, Mr. Schemenauer was discharged from the program for noncompliance. He received inpatient treatment for 30 days while he was there. He was diagnosed with alcohol dependence in full remission. (St. Ex. 4 at 41; Tr. at 17)
- On September 1, 2009, Mr. Schemenauer relapsed on alcohol. (St. Ex. 4 at 41)
- Mr. Schemenauer entered inpatient treatment at Cumberland Heights Treatment Center ("Cumberland") on October 19, 2009. It was not an Ohio Board-approved treatment facility at the time. He remained there until January 19, 2010. Mr. Schemenauer was diagnosed with alcohol dependence and depression, and treated for both.[3] (St. Ex. 4 at 41; Tr. at 17, 37-38)
- Throughout 2010 and 2011, Mr. Schemenauer was monitored by the WVMPHP, which included random urine drug screens. At least for a portion of that time, Mr. Schemenauer resided in Michigan. (St. Ex. 4 at 42)

Ohio Licensure Request, November 2010-January 2012

5. Mr. Schemenauer filed another application for a certificate to practice as a PA in Ohio on November 22, 2010. (St. Ex. 4 at 43)

6. A hearing was held regarding the application. By order effective January 12, 2012, the Board granted a certificate to Mr. Schemenauer and imposed probationary terms, conditions, and limitations for at least five years, based, among other things, upon his violation of Section 4730.25(B)(5), Ohio Revised Code, 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 the ability to practice." The Board ordered in paragraph 5.b. that "Mr. Schemenauer shall abstain completely from the use of alcohol." (St. Ex. 4 at 22-35)

[3]Mr. Schemenauer's aftercare contract with the WVMPHP was amended in January 2010 after he completed treatment at Cumberland in order to incorporate the depression diagnosis and to incorporate follow-up treatment for both his chemical dependency and depression diagnoses. (Resp. Ex. 4 at 42)

Relapse and Treatment, 2012

7. While the Ohio licensure request was pending, Mr. Schemenauer moved from Michigan to Marietta, Ohio. He began working as a PA at Emerson Healthcare in Parkersburg, West Virginia, in December 2011. (Tr. at 15-16)

8. On February 19, 2012, Mr. Schemenauer consumed alcohol. A few days later, he provided a urine sample for testing, and it was positive for alcohol. Mr. Schemenauer learned that the urine screen was positive on March 6, 2012, and admitted his consumption of alcohol. (Tr. at 16, 17-19, 23; St. Ex. 2 at 5; Respondent's Exhibit ("Resp. Ex.") A)

9. After learning of the positive urine screen, Mr. Schemenauer's employment was terminated. Also, the WVMPHP notified the WV Board. Due to the relapse, his PA license in West Virginia expired on March 6, 2012. (Tr. at 16, 23, 53; St. Ex. 2 at 5-6; Resp. Ex. A)

10. Mr. Schemenauer reported his consumption of alcohol to the Board on March 8, 2012. He explained that he "had several stressors and did not reach out for help or support." He elaborated that, within a brief period, he had lost an employment opportunity, had learned that he would not be commissioned as an officer in the military,[4] and a family member's serious illness had recurred. (St. Ex. 2 at 1; St. Ex. 3 at 10-11; Tr. at 21-22, 39-42, 46)

11. Mr. Schemenauer testified that he had consumed the alcohol alone, when he was in an emotionally destitute state and "everything" seemed unbearable. Mr. Schemenauer noted that he did not reach out to anyone, although he had a sponsor and a support network at the time. He added that, at that time, he had not been focusing on his sobriety and had been angry. Mr. Schemenauer added that, if the urine screen in February 2012 had not been positive, he would have continued to consume alcohol. (Tr. at 19-20, 24-25, 35, 46-47)

    Moreover, Mr. Schemenauer acknowledged that the stressors in his life in early 2012 caused "a lot" of depression, but he stated that the craving to drink was caused by his failure to talk about the stressors. He distinguished this relapse from his prior relapses, which he stated had occurred because he had not received the depression diagnosis or begun to address it. (Tr. at 39, 41)

12. Mr. Schemenauer admitted that he did not report his relapse until after he had learned of the positive urine screen. He testified that he did not report his relapse because he was "embarrassed, ashamed, and feeling guilty." (Tr. at 16, 22, 24)

13. Mr. Schemenauer's psychiatrist saw him in early March 2012, and, in a quarterly report, the psychiatrist stated that Mr. Schemenauer is not fit to practice as a PA, but if he continues with a

[4]Mr. Schemenauer explained that, if he had been commissioned as an officer in the military as he had hoped, he would have worked as a PA, rather than a noncommissioned medic. Since February 2012, Mr. Schemenauer has obtained additional training from the military, changing his specialty from a medic to a Chemical, Biological, Radiological, and Nuclear Specialist. (Tr. at 44-46)

recovery program and individual counseling, he may be able to resume the practice of medicine. (Resp. Ex. B)

14. On March 8, 2012, Mr. Schemenauer notified to the Cleveland Clinic Alcohol & Drug Recovery Center ("Cleveland Clinic") of his February 19, 2012 relapse.[5] On March 14, 2012, Mr. Schemenauer went to the Cleveland Clinic for an evaluation. Mr. Schemenauer was diagnosed with Alcohol Dependence and Major Depressive Disorder, recurrent, moderate. By letter dated March 26, 2012, the Cleveland Clinic treatment team recommended, among other things, that Mr. Schemenauer receive partial-hospitalization treatment at a Board-approved facility, followed by an intensive outpatient treatment program ("IOP"). (Tr. at 26, 52; St. Ex. 2 at 7-8)

15. Beginning on April 16, 2012, Mr. Schemenauer completed a three-week, partial-hospitalization program at the Woods at Parkside ("Parkside"), which is located in Gahanna, Ohio. He then completed an IOP at Parkside over the next five weeks.[6] He explained that the partial-hospitalization program occurred from 9 a.m. to 9 p.m., and included therapy sessions (group and individual sessions), AA/NA meetings, and lectures. He also explained that the IOP occurred three days each week for three hours, and included therapy and lectures. (Tr. at 26, 28, 29, 55-57; Resp. Exs. C, E at 2-3)

16. Mr. Schemenauer testified that, while he obtained treatment from Parkside, he stayed in a "sober house," where he participated in additional recovery programs. (Tr. at 27-29)

17. Mr. Schemenauer executed an aftercare contract with Parkside in June 2012, in which he agreed to abstain from all drugs and alcohol, attend continuing care sessions, attend recovery group and Caduceus meetings, and to take the medications prescribed for his psychiatric condition. (Resp. Ex. E at 1)

18. Mr. Schemenauer admitted during the hearing that he had relapsed following the January 2012 Board Order, that he is impaired, and that he had violated the term in the January 2012 Board Order that required him to abstain from alcohol. (Tr. at 21, 55)

Current Recovery Efforts

19. Mr. Schemenauer stated that he is currently being monitored by the WVMPHP, treated for depression, and staying active in his recovery program for his alcohol dependence. Mr. Schemenauer attends recovery-group meetings (AA, aftercare, and Caduceus), works with his sponsor, and undergoes random urine screens. He also presented logs of the recovery-group meetings that he attended between March and July 2012. Moreover, he sees a psychiatrist

[5]Mr. Schemenauer had been evaluated by, and had executed an after contract with, the Cleveland Clinic in 2011 as part of his earlier demonstration to the Board of his ability to practice as a PA. (St. Ex. 4 at 43-44)

[6]Mr. Schemenauer testified that the Cleveland Clinic had recommended two weeks (14 days) of partial hospitalization, but Parkside had recommended three weeks (21 days) of partial hospitalization. He followed Parkside's recommendation. (Tr. at 27)

once a month, sees a counselor once a month, and takes medication for his depression. Additionally, Mr. Schemenauer regularly provides documentation to the Board and has met with personnel from the Board. (Tr. at 30, 32-34, 35, 47; Resp. Exs. B, D)

20. Mr. Schemenauer testified that he is in compliance with the aftercare contract with Parkside and the recommendations of his treatment providers. (Tr. at 50)

21. Mr. Schemenauer stated that his current support system includes his recovery meeting groups, aftercare meeting group, Caduceus meeting group, his sponsor, and the WVMPHP. He explained that he is "building up" friendships with other sober persons in the Cleveland area, but he had not had much opportunity to do so because he recently moved to that area and had been away for military training too. (Tr. at 13, 58)

22. Mr. Schemenauer testified that, during the next year, he plans to stay in Cleveland, and build a social support group in this area. He also plans to attend aftercare and Caduceus meetings in the Cleveland area (rather than in Columbus). Moreover, he plans to obtain a Caduceus sponsor, in addition to his AA sponsor. (Tr. at 59)

23. Mr. Schemenauer testified that, from this relapse experience, he has learned that his number one priority needs to be his recovery program. He further stated that he has learned the signs within himself that tell him that he needs additional support from his recovery network. (Tr. at 60)

24. In the following exchange, Mr. Schemenauer explained his current priorities and commitment to recovery:

> Q. So by my count you've probably had almost a year of inpatient treatment in your life; is that close to being accurate? I didn't count up all the days, but –
>
> A. About eight months.
>
> Q. Okay. Eight months. And you've had four – now four relapses after these treatments, correct?
>
> A. Correct.
>
> Q. At what point do you think this is going to take – take a hold, Mr. Schemenauer? Do you think you'll ever get a grip on this – on this problem?
>
> A. Yes.
>
> Q. When do you think that's going to happen?

A. Now.

Q. And why do you think it's going to happen now?

A. Because I am sick and tired of being sick and tired.

* * *

[A]t this point, I want sobriety more than I want anything else personally for myself.

Q. Why wouldn't that have been your focus two years ago?

A. Being a physician assistant was important to me and that – you know, having a life and having friends. And at this point, it's – my focus is solely on sobriety.

(Tr. at 30-32)

25. Mr. Schemenauer added that he still wants to practice as a PA, and that he knows he can be a PA and be sober. However, Mr. Schemenauer has placed his sobriety at the forefront currently. He is working a recovery plan and stated that he needs to continue on that recovery plan. He is not ready currently to practice as a PA. Mr. Schemenauer testified that he needs time and stability to become healthy again. (Tr. at 32, 36, 47-48)

RELEVANT PROVISIONS OF THE OHIO ADMINISTRATIVE CODE

Rule 4731-16-02, Ohio Administrative Code, states in pertinent part:

* * *

(B) In cases where the only disciplinary action initiated against the individual is for violation of division (B)(5) of Section 4730.25 of the Revised Code, division (B)(26) of section 4731.22 of the Revised Code, division (B)(6) of section 4760.13 of the Revised Code or division (B)(6) of section 4762.13 of the Revised Code the following general pattern of action shall be followed:

(1) Upon identification by the board of reason to believe that a licensee or applicant is impaired it may compel an examination or examinations as set forth in paragraph (A) of this rule. * * *

* * *

(b) If the examination or examinations disclose impairment, or if the board has other reliable, substantial and probative evidence demonstrating impairment, the board shall initiate proceedings to suspend the license or deny the applicant. The board may issue an order of summary suspension as provided in division (G) of section 4730.25 of the Revised Code * * *.

(2) The presence of one or more of the following circumstances shall constitute independent proof of impairment and shall support license suspension or denial without the need for an examination:

(a) The individual has relapsed during or following treatment;

* * *

(3) Before being eligible to apply for reinstatement of a license suspended under this paragraph the impaired individual must demonstrate to the board that the individual can resume practice in compliance with acceptable and prevailing standards of care under the provisions of the individual's certificate. Such demonstration shall include but shall not be limited to the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment, as follows:

(i) * * * [T]he required inpatient treatment shall include inpatient or residential treatment that extends a minimum of twenty-eight days with the following exception: If the individual has previously completed an inpatient or residential treatment program of at least twenty-eight days and maintained sobriety for at least one year following completion of that inpatient or residential treatment, the treatment required shall be determined by the treatment provider.

* * *

(b) Evidence of continuing full compliance with an aftercare contract that meets the requirements of rule 4731-16-10 of the Administrative Code, and with any consent agreement or order of the board then in effect;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been

found capable of practicing according to acceptable and prevailing standards of care. * * *

* * *

(D) Except as provided in this paragraph, an individual who has lapsed during or following treatment shall be ineligible to apply for reinstatement for at least ninety days following the date of license suspension for a first relapse, for at least one year following the date of license suspension for a second relapse, and for at least three years following the date of license suspension for a third relapse. * * *

FINDINGS OF FACT

1. In March 2008, the Board accepted Mr. Schemenauer's Request for Withdrawal of Application for Certificate to Practice as a Physician Assistant ("Withdrawal") for an application that he had submitted earlier. Such Withdrawal was in lieu of disciplinary action pursuant to Sections 4730.25(B)(5), (B)(8), and (B)(18), Ohio Revised Code, for, among other things, the revocation of his license to practice by the West Virginia Board of Medicine ("WV Board") and his history of impairment.

2. On November 22, 2010, Mr. Schemenauer submitted an Application for Physician Assistant Certificate to Practice in the State of Ohio. Pursuant to a January 2012 Order, the Board granted him a certificate to practice as a physician assistant and subjected such certificate to certain probationary terms, conditions, and limitations based upon, among other things, a violation of Section 4730.25(B)(5), Ohio Revised Code, 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 the ability to practice."

3. Paragraph 5.b of the January 2012 Board Order provides that Mr. Schemenauer shall abstain completely from alcohol. Despite this provision, Mr. Schemenauer relapsed on alcohol in February 2012.

4. On or about March 26, 2012, the Board received a letter from the Cleveland Clinic Alcohol and Drug Recovery Center, Cleveland, Ohio ("Cleveland Clinic"), a Board-approved treatment provider, which reported that Mr. Schemenauer had disclosed that he had relapsed by consuming alcohol on February 19, 2012. Following an evaluation at the Cleveland Clinic, Mr. Schemenauer was diagnosed with Alcohol Dependence and Major Depressive Disorder, recurrent, moderate. The March 26, 2012 letter included information that, in the opinion of the Cleveland Clinic treatment team, Mr. Schemenauer should participate in a Board-approved chemical dependency program and his license should be suspended until positive and successful completion of treatment.

CONCLUSIONS OF LAW

1. The acts, conduct, and/or omissions of Stephen August Schemenauer, P.A., as described in Findings of Fact 1 through 4 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 the ability to practice," as that clause is used in Section 4730.25(B)(5), Ohio Revised Code.

2. Mr. Schemenauer's acts, conduct, and/or omissions as described in Findings of Fact 2 through 4 above, individually and/or collectively, constitute, "[v]iolation of the conditions placed by the board on a certificate to practice as a physician assistant, a certificate to prescribe, a physician supervisory plan, or supervision agreement," as that clause is used in Section 4730.25(B)(20), Ohio Revised Code.

Rationale for the Proposed Order

Mr. Schemenauer has struggled with sobriety. However, this is not a case in which a licensee has lapsed repeatedly or failed to comply repeatedly while subject to *this* Board's monitoring. Rather, much of Mr. Schemenauer's struggles and relapses occurred before he was monitored by this Board and before he obtained his Ohio certificate in January 2012.

Mr. Schemenauer has expressed a stronger commitment to his recovery than in the past. He was sincere and frank at the hearing. He deserves another opportunity. Accordingly, it is recommended that Mr. Schemenauer's certificate be suspended for at least nine months, which takes into account (a) the extent of his struggle with sobriety, (b) his own statement that he needs a sizeable period of time out of the practice, and (c) the past several months during which his certificate has been summarily suspended. The suspension period will allow Mr. Schemenauer to focus on his recovery. Additionally, interim monitoring provisions are proposed, which include the same as the probationary terms imposed by the Board in January 2012 because they remain appropriate at this time. Also, a five-year probationary period is recommended. Together, these terms can provide Mr. Schemenauer the structure, stability, and support he needs for his recovery.

PROPOSED ORDER

It is hereby ORDERED that:

A. **SUSPENSION OF CERTIFICATE**: The certificate of Stephen August Schemenauer, P.A., to practice as a physician assistant in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than nine months.

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

1. **Obey the Law**: Mr. Schemenauer shall obey all federal, state, and local laws, and all rules governing the practice of physician assisting in Ohio.

2. **Declarations of Compliance**: Mr. Schemenauer 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.

3. **Notification of Change in Licensure Status in West Virginia or Other Jurisdiction**: Mr. Schemenauer shall immediately notify the Board in writing of any modifications or change to his licensure status in West Virginia or any other jurisdiction.

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

5. **Sobriety**

   a. **Abstention from Drugs**: Mr. Schemenauer shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed, or administered to him by another so authorized by law who has full knowledge of Mr. Schemenauer's history of chemical dependency and/or abuse and who may lawfully prescribe for him (for example, a physician who is not a family member).

   Further, in the event that Mr. Schemenauer is so prescribed, dispensed, or administered any controlled substance or tramadol, Mr. Schemenauer shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber, the name of the drug Mr. Schemenauer received, the medical purpose for which he received the drug, the date the drug was initially received, and the dosage, amount, number of refills, and directions for use.

   Further, within 30 days of the date the drug is so prescribed, dispensed, or administered to him, Mr. Schemenauer shall provide the Board with either a copy of the written

prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

b. **Abstention from Alcohol**: Mr. Schemenauer shall abstain completely from the use of alcohol.

6. **Drug and Alcohol Screens; Drug Testing Facility and Collection Site**

a. Mr. Schemenauer shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Mr. Schemenauer 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, and shall include Mr. Schemenauer's drug(s) of choice.

b. Mr. Schemenauer shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. (The term "toxicology screen" is also used herein for "urine screen" and/or "drug screen.")

All specimens submitted by Mr. Schemenauer shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Order.

Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Order.

c. Mr. Schemenauer shall abstain from the use of any substance that may produce a positive result on a toxicology screen, including the consumption of poppy seeds or other food or liquid that may produce a positive result on a toxicology screen.

Mr. Schemenauer shall be held to an understanding and knowledge that the consumption or use of various substances, including but not limited to mouthwashes, hand-cleaning gels, and cough syrups, may cause a positive toxicology screen, and that unintentional ingestion of a substance is not distinguishable from intentional ingestion on a toxicology screen, and that, therefore, consumption or use of substances that may produce a positive result on a toxicology screen is prohibited under this Order.

d. All urine screenings for drugs and alcohol shall be conducted through a Board-approved drug-testing facility and Board-approved collection site pursuant to the global contract between the approved facility and the Board, which provides for the Board to maintain ultimate control over the urine-screening process and to preserve the confidentiality of positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code. The screening process for random testing shall require a daily call-in procedure. Further, in the event that the Board exercises its

discretion, as provided in Paragraph B.7, below ("Alternative Drug-testing Facility and/or Collection Site"), to approve urine screenings to be conducted at an alternative drug-testing facility, collection site, and/or supervising physician, such approval shall be expressly contingent upon the Board's retaining ultimate control over the urine-screening process in a manner that preserves the confidentiality of positive screening results.

e. Within 30 days of the effective date of this Order, Mr. Schemenauer shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug-testing facility and/or collection site ("DFCS") in order to facilitate the screening process in the manner required by this Order.

Further, within 30 days of making such arrangements, Mr. Schemenauer shall provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Mr. Schemenauer and the Board-approved DFCS. Mr. Schemenauer's failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Order.

f. Mr. Schemenauer shall ensure that the urine-screening process performed through the Board-approved DFCS requires a daily call-in procedure, 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, Mr. Schemenauer and the Board-approved DFCS shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening result.

g. Mr. Schemenauer shall ensure that the Board-approved DFCS provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.

h. In the event that the Board-approved DFCS becomes unable or unwilling to serve as required by this Order, Mr. Schemenauer shall immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph B.7, below, as soon as practicable. Mr. Schemenauer shall further ensure that the Board-approved DFCS also notifies the Board directly of its inability to continue to serve and the reasons therefor.

i. The Board, in its sole discretion, may withdraw its approval of any DFCS in the event that the Secretary and Supervising Member of the Board determine that the DFCS has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

7. **Alternative Drug-testing Facility and/or Collection Site**: It is the intent of this Order that Mr. Schemenauer shall submit urine specimens to the Board-approved DFCS chosen by the Board. However, in the event that using the Board-approved DFCS creates an extraordinary hardship on Mr. Schemenauer, as determined in the sole discretion of the Board, then, subject to the following requirements, the Board may approve an alternative DFCS or a supervising physician to facilitate the urine-screening process for Mr. Schemenauer.

   a. Within 30 days of the date on which Mr. Schemenauer is notified of the Board's determination that utilizing the Board-approved DFCS constitutes an extraordinary hardship on Mr. Schemenauer, he shall submit to the Board in writing for its prior approval the identity of either an alternative DFCS or the name of a proposed supervising physician to whom Mr. Schemenauer shall submit the required urine specimens.

      In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Mr. Schemenauer's residence or employment location, or to a physician who practices in the same locale as Mr. Schemenauer. Mr. Schemenauer shall ensure that the urine-screening process performed through the alternative DFCS or through the supervising physician requires a daily call-in procedure, 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, Mr. Schemenauer shall ensure that the alternative DFCS or the supervising physician maintains appropriate control over the specimen and immediately informs the Board of any positive screening result.

   b. Mr. Schemenauer shall ensure that the alternative DFCS or the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.

   c. In the event that the designated alternative DFCS or the supervising physician becomes unable or unwilling to so serve, Mr. Schemenauer shall immediately notify the Board in writing. Mr. Schemenauer shall further ensure that the previously designated alternative DFCS or the supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor. Further, in the event that the approved alternative DFCS or supervising physician becomes unable to serve, Mr. Schemenauer shall, in order to ensure that there will be no interruption in his urine-screening process, immediately commence urine screening at the Board-approved DFCS chosen by the Board, until such time, if any, that the Board approves a different DFCS or supervising physician, if requested by Mr. Schemenauer.

   d. The Board, in its sole discretion, may disapprove any entity or facility proposed to serve as Mr. Schemenauer's designated alternative DFCS or any person proposed

to serve as his supervising physician, or may withdraw its approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

e. For purposes of this Order, the supervising physician specified in this paragraph is not necessarily a physician identified in the physician assistant supervisory plan(s) under which Mr. Schemenauer will practice as a physician assistant.

8. **Reports Regarding Drug and Alcohol Screens**: All screening reports required under this Order from the Board-approved DFCS, the alternative DFCS and/or supervising physician must be received in the Board's offices no later than the due date for Mr. Schemenauer's declarations of compliance. It is Mr. Schemenauer's responsibility to ensure that reports are timely submitted.

9. **Additional Screening Without Prior Notice**: Upon the Board's request and without prior notice, Mr. Schemenauer shall provide a specimen of his blood, breath, saliva, urine, and/or hair for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Mr. Schemenauer, or for any other purpose, at Mr. Schemenauer's expense. Mr. Schemenauer's refusal to submit a specimen upon the request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary and Supervising Member of the Board.

10. **Rehabilitation Program**: Mr. Schemenauer shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or C.A., no less than three times per week, or as otherwise ordered by the Board. Substitution of any other specific program must receive prior Board approval.

    Mr. Schemenauer shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Mr. Schemenauer's declarations of compliance.

11. **Comply with the Terms of Aftercare Contract(s)**: Mr. Schemenauer shall maintain continued compliance with the terms of the aftercare contract(s) entered into with his treatment provider(s), provided that, where terms of an aftercare contract conflict with terms of this Order, the terms of this Order shall control.

12. **Coordination with the West Virginia Medical Professionals Health Program**: The Board, in its sole discretion, and with the agreement of the West Virginia Medical Professionals Health Program ("WVMPHP"), may coordinate with the WVMPHP with

respect to Mr. Schemenauer's rehabilitation programs and monitoring, including among other things the random urine screenings as described in Paragraphs B.6 through B.8.

13. **Continue Psychiatric Treatment**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall submit to the Board for its prior approval the name and curriculum vitae of a psychiatrist of Mr. Schemenauer's choice. Mr. Schemenauer may request approval of his current psychiatrist.

Mr. Schemenauer shall undergo and continue psychiatric treatment at the rate of visits recommended by the approved treating psychiatrist, or as otherwise directed by the Board. The sessions shall be in person and may not be conducted by telephone or other electronic means. Mr. Schemenauer shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his mental-health disorder and submitting to periodic tests of his blood and/or urine.

Mr. Schemenauer shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychiatrist. Mr. Schemenauer 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 Mr. Schemenauer's declarations of compliance. The psychiatric reports shall contain information describing Mr. Schemenauer's current treatment plan and any changes that have been made to the treatment plan since the prior report; his compliance with the treatment plan; his mental-health status; his progress in treatment; and results of any laboratory or other studies that have been conducted since the prior report.

Mr. Schemenauer shall ensure that his treating psychiatrist immediately notifies the Board of Mr. Schemenauer's failure to comply with his psychiatric treatment plan and/or any determination that Mr. Schemenauer is unable to practice due to his mental-health disorder.

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

The Board, in its sole discretion, may disapprove any psychiatrist proposed to serve as Mr. Schemenauer's designated treating psychiatrist, or may withdraw its approval of any psychiatrist previously approved to serve as Mr. Schemenauer's designated treating psychiatrist in the event that the Secretary and Supervising Member of the Board determine that any such psychiatrist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

14. **Continue Psychological Treatment**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall submit to the Board for its prior approval the name and curriculum vitae of a psychologist of Mr. Schemenauer's choice. Mr. Schemenauer may request approval of his current psychologist.

    Mr. Schemenauer shall undergo and continue psychological treatment at the rate of visits recommended by the approved treating psychologist, or as otherwise directed by the Board. The sessions shall be in person and may not be conducted by telephone or other electronic means. Mr. Schemenauer shall comply with his psychological treatment plan, including taking medications as prescribed and/or ordered for his mental-health disorder and submitting to periodic tests of his blood and/or urine.

    Mr. Schemenauer shall continue in psychological treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychologist. Mr. Schemenauer 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 Mr. Schemenauer's declarations of compliance. The psychological reports shall contain information describing Mr. Schemenauer's current treatment plan and any changes that have been made to the treatment plan since the prior report; his compliance with the treatment plan; his mental-health status; his progress in treatment; and results of any laboratory or other studies that have been conducted since the prior report.

    Mr. Schemenauer shall ensure that his treating psychologist immediately notifies the Board of Mr. Schemenauer's failure to comply with his psychological treatment plan and/or any determination that Mr. Schemenauer is unable to practice due to his mental-health disorder.

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

    The Board, in its sole discretion, may disapprove any psychologist proposed to serve as Mr. Schemenauer's designated treating psychologist, or may withdraw its approval of any psychologist previously approved to serve as Mr. Schemenauer's designated treating psychologist in the event that the Secretary and Supervising Member of the Board determine that any such psychologist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

15. **Reporting Physician**: Prior to Mr. Schemenauer's commencement of practice in Ohio, or as otherwise determined by the Board, Mr. Schemenauer shall submit the name and curriculum vitae of a reporting physician for prior written approval by the Secretary and

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 Mr. Schemenauer. The reporting physician must be a physician who is designated as a supervising physician for Mr. Schemenauer under a Board-approved supervisory agreement related to his licensure as a physician assistant.

The reporting physician shall monitor Mr. Schemenauer and his practice as a physician assistant, and shall review Mr. Schemenauer'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 reporting physician shall provide the Board with reports on the performance of Mr. Schemenauer and his practice as a physician assistant, and on the review of Mr. Schemenauer's patient charts. Mr. Schemenauer 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 Mr. Schemenauer's declarations of compliance.

In the event that the designated reporting physician becomes unable or unwilling to serve in this capacity, Mr. Schemenauer shall immediately so notify the Board in writing. In addition, Mr. Schemenauer shall make arrangements acceptable to the Board for another reporting physician within 30 days after the previously designated reporting physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Mr. Schemenauer shall further ensure that the previously designated reporting physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

The Board, in its sole discretion, may disapprove any physician proposed to serve as Mr. Schemenauer's reporting physician, or may withdraw its approval of any physician previously approved to serve as Mr. Schemenauer's reporting physician, in the event that the Secretary and Supervising Member of the Board determine that any such reporting physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

16. **Releases**: Mr. Schemenauer shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Mr. Schemenauer's chemical dependency, depression, and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. To the extent permitted by law, 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.

Mr. Schemenauer shall also provide the Board written consent permitting any psychiatrist, psychologist, counselor, and treatment provider from whom he obtains treatment to notify the Board in the event Mr. Schemenauer 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.

17. **Absences from Ohio**: Mr. Schemenauer shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the suspension/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. Further, the Secretary and Supervising Member of the Board shall have the discretion to waive part or all of the monitoring terms set forth in this Order for occasional periods of absence of 14 days or less.

    In the event that Mr. Schemenauer resides and/or is employed at a location that is within 50 miles of the geographic border of Ohio and a contiguous state, Mr. Schemenauer may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Mr. Schemenauer is otherwise able to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

18. **Required Reporting of Change of Address**: Mr. Schemenauer shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.

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

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

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

3. **Demonstration of Ability to Resume Practice**: Mr. Schemenauer shall demonstrate to the satisfaction of the Board that he can practice in compliance with acceptable and prevailing standards of care. 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 Mr. Schemenauer has successfully completed a minimum of 28 days of inpatient/residential treatment for chemical dependency/abuse at a treatment provider approved by the Board.

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

c. Evidence of continuing full compliance with this Order.

d. Two written reports indicating that Mr. Schemenauer's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care, with respect to chemical dependency/abuse.

The reports shall have been 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 Mr. Schemenauer. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Mr. Schemenauer shall provide the assessors with copies of patient records from any evaluation and/or treatment that he has received, and a copy of this Order. The reports of the assessors shall include any recommendations for treatment, monitoring, or supervision of Mr. Schemenauer, and any conditions, restrictions, or limitations that should be imposed on Mr. Schemenauer's practice. The reports shall also describe the basis for the assessor'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 or restoration. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

e. A written report of evaluation by a psychiatrist acceptable to the Board indicating that Mr. Schemenauer'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 report of the evaluation shall describe with particularity the basis for the determination that Mr. Schemenauer has been found capable of practicing according to acceptable and prevailing standards of care, and shall include any conditions, restrictions, or limitations that should be imposed on Mr. Schemenauer's practice.

The evaluation shall have been performed within the three months immediately preceding any application for reinstatement or restoration. Further, at the

discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

4. **Additional Evidence of Fitness To Resume Practice**: In the event that Mr. Schemenauer has not been engaged in the active practice of physician assisting for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4730.28, Ohio Revised Code, to require additional evidence of his fitness to resume practice.

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

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

2. **Modification of Terms**: Mr. Schemenauer shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.

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

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

F. **VIOLATION OF THE TERMS OF THIS ORDER**: If Mr. Schemenauer 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.

G. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER**:

1. **Required Reporting to Employers and Others**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training, and the Chief of Staff at each hospital or healthcare center where he has privileges or appointments. Further,

Mr. Schemenauer shall promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments.

In the event that Mr. Schemenauer provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

These requirements shall continue until Mr. Schemenauer receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting to Other Licensing Authorities**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Administration, through which he currently holds any license or certificate. Also, Mr. Schemenauer shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Mr. Schemenauer receives from the Board written notification of the successful completion of his probation.

3. **Required Reporting to Treatment Providers/Monitors**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall provide a copy of this Order to all persons and entities that provide chemical dependency/abuse treatment to or monitoring of Mr. Schemenauer. This requirement shall continue until Mr. Schemenauer receives from the Board written notification of the successful completion of his probation.

4. **Required Documentation of the Reporting Required by Paragraph G**: Mr. Schemenauer shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

H. **SUPERSEDE PREVIOUS BOARD ORDER**: This Order supersedes the terms and conditions set forth in the January 12, 2012 Board Order in Case No. 11-CRF-075.

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

Gretchen L. Petrucci
Hearing Examiner

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

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EXCERPT FROM THE DRAFT MINUTES OF OCTOBER 10, 2012

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

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

Dr. Mahajan asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Jehangir Badar, M.D.; John David Brownlee, M.D.; Joseph Claude Carver, M.D.; Christopher M. Heben, P.A.; Glenn A. Kunkel, M.D.; and Stephen August Schemenauer, P.A.

A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Ms. Elsass	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- aye

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

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Ms. Elsass	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- aye

Dr. Mahajan noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of any disciplinary matters. In the matter before the Board today, Dr.

Strafford served as Secretary, Dr. Bechtel served as Supervising Member, and Dr. Talmage served as Secretary and/or Acting Supervising Member.

Dr. Mahajan reminded all parties that no oral motions may be made during these proceedings.

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

.....

STEPHEN AUGUST SCHEMENAUER, P.A., Case No. 12-CRF-042

.....

Dr. Steinbergh moved to approve and confirm Ms. Petrucci's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Stephen August Schemenauer, P.A. Dr. Madia seconded the motion.

.....

Mr. Kenney moved to amend the Proposed Order to change the time of suspension of Mr. Schemenauer's license to an indefinite period, but not less than two years. Dr. Madia seconded the motion.

.....

Mr. Kenney wished to change his motion to amend the Proposed Order to a Permanent Revocation of Mr. Schemenauer's license. As no member objected to the change, the change to the motion to amend was accepted.

.....

A vote on the motion to amend was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Suppan	- nay
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Ms. Elsass	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- aye

The motion to amend carried.

Dr. Steinbergh moved to approve and confirm Ms. Petrucci's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Stephen August Schemenauer, P.A. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Ms. Elsass	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- aye

The motion to approve carried.

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

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med.ohio.gov

April 11, 2012

Case number: 12-CRF- 042

Stephen August Schemenauer, P.A.
906 Warren Street
Marietta, Ohio 45750

Dear Mr. Schemenauer:

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 April 11, 2012, 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 Sections 4731.41 and 4730.02, 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

J. Craig Strafford MD MPH

J. Craig Strafford, M.D., M.P.H.
Secretary

JCS/KHM/flb
Enclosures

Mailed 4-12-12

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 April 11, 2012, 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 Stephen August Schemenauer, P.A., Case number: 12-CRF-042 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.

J. Craig Strafford, M.D., M.P.H., Secretary

(SEAL)

April 11, 2012
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF	:
	:
STEPHEN A. SCHEMENAUER, P.A.	:
	:
CASE NUMBER: 12-CRF- 042	:

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 11th day of April 2012.

Pursuant to Section 4730.25(G), Ohio Revised Code and upon recommendation of J. Craig Strafford, M.D., M.P.H., Secretary, and Lance A. Talmage, M.D., Acting 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 Mr. Schemenauer, has violated Sections 4730.25(B)(5) and 4730.25(20), 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 Mr. Schemenauer'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 11th day of April 2012:

It is hereby ORDERED that the certificate of Stephen August Schemenauer, P.A., to practice as a physician assistant in the State of Ohio be summarily suspended.

It is hereby ORDERED that Mr. Schemenauer, shall immediately cease practice as a physician assistant in Ohio and immediately refer all active patients to appropriate physicians.

This Order shall become effective immediately.

J. Craig Strafford MD MPH

J. Craig Strafford, M.D., M.P.H.
Secretary

(SEAL)

April 11, 2012
Date

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF APRIL 11, 2012

CITATIONS, PROPOSED DENIALS, ORDERS OF SUMMARY SUSPENSION & NOTICES OF IMMEDIATE SUSPENSION

STEPHEN AUGUST SCHEMENAUER, P.A. – NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

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

Dr. Madia moved to enter an Order of Summary Suspension in the matter of Stephen August Schemenauer, P.A., in accordance with Section 4730.25(G), Ohio Revised Code, and to issue the Notice of Summary Suspension and Opportunity for Hearing. Ms. Elsass seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Mr. Hairston	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Bechtel	- aye
	Dr. Talmage	- abstain
	Ms. Elsass	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- aye

The motion carried.

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

NOTICE OF SUMMARY SUSPENSION
AND
OPPORTUNITY FOR HEARING

April 11, 2012

Case number: 12-CRF-042

Stephen August Schemenauer, P.A.
906 Warren Street
Marietta, Ohio 45750

Dear Mr. Schemenauer:

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 4730.25(B)(5) and 4730.25(B)(20), 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 4730.25(G), Ohio Revised Code, and upon recommendation of J. Craig Strafford, M.D., M.P.H., Secretary, and Lance A. Talmage, M.D., Acting Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your certificate to practice as a physician assistant in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice as a physician assistant 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 as a physician assistant, or to reprimand you or place you on probation for one or more of the following reasons:

(1) In or about March 2008, the Board accepted your Request for Withdrawal of Application for Certificate to Practice as a Physician Assistant, which was based in lieu of disciplinary action pursuant to Sections 4730.25(B)(5),(B)(8), and (B)(18),

Ohio Revised Code, for, *inter alia,* revocation of your license to practice in West Virginia and your history of impairment with multiple relapses.

(2) On or about November 22, 2010, you submitted an Application for Physician Assistant Certificate to Practice in the State of Ohio. Pursuant to the January 2012 Order, the Board granted your certificate to practice as a physician assistant and subjected such certificate to certain probationary terms, conditions, and limitations based, *inter alia,* upon violation of Section 4730.25(B)(5), Ohio Revised Code, 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 the ability to practice."

(3) Paragraph 5.a. of the January 2012 Order provides that you shall abstain completely from alcohol. Despite this provision, in or about February 2012, you again relapsed on alcohol.

(4) On or about March 26, 2012, the Board received a letter from the Cleveland Clinic Alcohol and Drug Recovery Center, Cleveland, Ohio [Cleveland Clinic], a Board-approved treatment provider, which reported that you disclosed that you had relapsed by consuming alcohol on or about February 19, 2012, and following an evaluation at the Cleveland Clinic you were diagnosed with Alcohol Dependence and Major Depressive Disorder, recurrent, moderate. The March 26, 2012 letter included information that in the opinion of the Cleveland Clinic treatment team, you are to participate in a Board-approved chemical dependency program and recommended suspension of your license until positive and successful completion of treatment.

Section 4730.25(F)(2), 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 or prescribe, to submit to treatment and, before being eligible to apply for reinstatement, to demonstrate to the Board the ability to resume practice or prescribing 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)(2), Ohio Administrative Code, additionally provides that if an individual has relapsed during or following treatment, it shall constitute independent proof of impairment and shall support license suspension or denial without the need for an examination.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (4) 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 the ability to practice," as that clause is used in Section 4730.25(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (4) above, individually and/or collectively, constitute "[v]iolation of the conditions placed by the board on a certificate to practice as a physician assistant, a certificate to prescribe, a physician supervisory plan, or supervision agreement," as that clause is used in Section 4730.25(B)(20), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapters 4730. and 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 your certificate to practice as a physician assistant or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4730.25(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant to an applicant a certificate to practice as a physician assistant or a certificate to prescribe, revokes an individual's certificate, refuses to issue a certificate, or refuses to reinstate an individual's certificate, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold the certificate and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Further, pursuant to Section 4730.50, Ohio Revised Code, "If a sanction under section 4730.25 of the Revised Code applies to a physician assistant's certificate to practice, the same sanction is placed on the physician assistant's certificate to prescribe while the sanction applies to the certificate to practice."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

J. Craig Strafford, M.D., M.P.H.
Secretary

JCS/KHM/flb
Enclosures

CERTIFIED MAIL #91 7199 9991 7030 3383 3293
RETURN RECEIPT REQUESTED

cc: Personal Service

cc: Eric J. Plinke, Esq.
Dinsmore & Shohl, LLP
191 West Nationwide Boulevard
Suite 300
Columbus, OH 43215

CERTIFIED MAIL #91 7199 9991 7030 3383 3286
RETURN RECEIPT REQUESTED

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

January 11, 2012

Stephen August Schemenauer, P.A.
906 Warren Street
Marietta, OH 45750

RE: Case No. 11-CRF-075

Dear Mr. Schemenauer:

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 January 11, 2012, 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 must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

J. Craig Strafford MD MPH

J. Craig Strafford, M.D., M.P.H.
Secretary

JCS:jam
Enclosures

CERTIFIED MAIL NO. 91 7199 9991 7030 3311 0882
RETURN RECEIPT REQUESTED

Eric J. Plinke, Esq.
CERTIFIED MAIL NO. 91 7199 9991 7030 3311 0899
RETURN RECEIPT REQUESTED

Mailed 1-12-12

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 Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 11, 2012, 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 Stephen August Schemenauer, P.A., Case No. 11-CRF-075, 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.

J. Craig Strafford MD MPH

J. Craig Strafford, M.D., M.P.H.
Secretary

(SEAL)

January 11, 2012
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF	*	
	*	CASE NO. 11-CRF-075
STEPHEN AUGUST SCHEMENAUER, P.A.	*	

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on January 11, 2012.

Upon the Report and Recommendation of Gretchen L. Petrucci, State Medical Board 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. **GRANT OF PHYSICIAN ASSISTANT CERTIFICATE; PROBATION**: The application of Stephen August Schemenauer, P.A., for a certificate to practice as a physician assistant in the State of Ohio is GRANTED, provided that he otherwise meets all statutory and regulatory requirements, and subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

1. **Obey the Law**: Mr. Schemenauer shall obey all federal, state, and local laws, and all rules governing the practice of physician assisting in the state in which he is practicing.

2. **Declarations of Compliance**: Mr. Schemenauer 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.

3. **Notification of Change in Licensure Status in West Virginia or Other Jurisdiction**: Mr. Schemenauer shall immediately notify the Board in writing of any modifications or change to his licensure status in West Virginia or any other jurisdiction.

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

5. **Sobriety**

   a. **Abstention from Drugs**: Mr. Schemenauer shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed, or administered to him by another so authorized by law who has full knowledge of Mr. Schemenauer's history of chemical dependency and/or abuse and who may lawfully prescribe for him (for example, a physician who is not a family member).

   Further, in the event that Mr. Schemenauer is so prescribed, dispensed, or administered any controlled substance, carisoprodol, or tramadol, Mr. Schemenauer shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber, the name of the drug Mr. Schemenauer received, the medical purpose for which he received the drug, the date the drug was initially received, and the dosage, amount, number of refills, and directions for use.

   Further, within 30 days of the date said drug is so prescribed, dispensed, or administered to him, Mr. Schemenauer shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

   b. **Abstention from Alcohol**: Mr. Schemenauer shall abstain completely from the use of alcohol.

6. **Drug and Alcohol Screens; Drug Testing Facility and Collection Site**

   a. Mr. Schemenauer shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Mr. Schemenauer 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, and shall include Mr. Schemenauer's drug(s) of choice.

b. Mr. Schemenauer shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. (The term "toxicology screen" is also used herein for "urine screen" and/or "drug screen.")

All specimens submitted by Mr. Schemenauer shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Order.

Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Order.

c. Mr. Schemenauer shall abstain from the use of any substance that may produce a positive result on a toxicology screen, including the consumption of poppy seeds or other food or liquid that may produce a positive result on a toxicology screen.

Mr. Schemenauer shall be held to an understanding and knowledge that the consumption or use of various substances, including but not limited to mouthwashes, hand-cleaning gels, and cough syrups, may cause a positive toxicology screen, and that unintentional ingestion of a substance is not distinguishable from intentional ingestion on a toxicology screen, and that, therefore, consumption or use of substances that may produce a positive result on a toxicology screen is prohibited under this Order.

d. All urine screenings for drugs and alcohol shall be conducted through a Board-approved drug-testing facility and Board-approved collection site pursuant to the global contract between the approved facility and the Board, which provides for the Board to maintain ultimate control over the urine-screening process and to preserve the confidentiality of positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code. The screening process for random testing shall require a daily call-in procedure. Further, in the event that the Board exercises its discretion, as provided in Paragraph 7, below ("Alternative Drug-testing Facility and/or Collection Site"), to approve urine screenings to be conducted at an alternative drug-testing facility, collection site, and/or supervising physician, such approval shall be expressly contingent upon the Board's retaining ultimate control over the urine-screening process in a manner that preserves the confidentiality of positive screening results.

e. Within 30 days of the effective date of this Order, Mr. Schemenauer shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug-testing facility and/or collection site ("DFCS") in order to facilitate the screening process in the manner required by this Order.

Further, within 30 days of making such arrangements, Mr. Schemenauer shall provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Mr. Schemenauer and the Board-approved DFCS. Mr. Schemenauer's failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Order.

f. Mr. Schemenauer shall ensure that the urine-screening process performed through the Board-approved DFCS requires a daily call-in procedure, 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, Mr. Schemenauer and the Board-approved DFCS shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening result.

g. Mr. Schemenauer shall ensure that the Board-approved DFCS provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.

h. In the event that the Board-approved DFCS becomes unable or unwilling to serve as required by this Order, Mr. Schemenauer shall immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph 7, below, as soon as practicable. Mr. Schemenauer shall further ensure that the Board-approved DFCS also notifies the Board directly of its inability to continue to serve and the reasons therefor.

i. The Board, in its sole discretion, may withdraw its approval of any DFCS in the event that the Secretary and Supervising Member of the Board determine that the DFCS has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

7. **Alternative Drug-testing Facility and/or Collection Site**: It is the intent of this Order that Mr. Schemenauer shall submit urine specimens to the Board-approved DFCS chosen by the Board. However, in the event that using the Board-approved DFCS creates an extraordinary hardship on

Mr. Schemenauer, as determined in the sole discretion of the Board, then, subject to the following requirements, the Board may approve an alternative DFCS or a supervising physician to facilitate the urine-screening process for Mr. Schemenauer.

a. Within 30 days of the date on which Mr. Schemenauer is notified of the Board's determination that utilizing the Board-approved DFCS constitutes an extraordinary hardship on Mr. Schemenauer, he shall submit to the Board in writing for its prior approval the identity of either an alternative DFCS or the name of a proposed supervising physician to whom Mr. Schemenauer shall submit the required urine specimens.

   In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Mr. Schemenauer's residence or employment location, or to a physician who practices in the same locale as Mr. Schemenauer. Mr. Schemenauer shall ensure that the urine-screening process performed through the alternative DFCS or through the supervising physician requires a daily call-in procedure, 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, Mr. Schemenauer shall ensure that the alternative DFCS or the supervising physician maintains appropriate control over the specimen and immediately informs the Board of any positive screening result.

b. Mr. Schemenauer shall ensure that the alternative DFCS or the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.

c. In the event that the designated alternative DFCS or the supervising physician becomes unable or unwilling to so serve, Mr. Schemenauer shall immediately notify the Board in writing. Mr. Schemenauer shall further ensure that the previously designated alternative DFCS or the supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor. Further, in the event that the approved alternative DFCS or supervising physician becomes unable to serve, Mr. Schemenauer shall, in order to ensure that there will be no interruption in his urine-screening process, immediately commence urine screening at the Board-approved DFCS chosen by the Board, until such time, if any, that the Board approves a different DFCS or supervising physician, if requested by Mr. Schemenauer.

d. The Board, in its sole discretion, may disapprove any entity or facility proposed to serve as Mr. Schemenauer's designated alternative DFCS or

any person proposed to serve as his supervising physician, or may withdraw its approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

e. For purposes of this Order, the supervising physician specified in this paragraph is not necessarily a physician identified in the physician assistant supervisory plan[s] under which Mr. Schemenauer will practice as a physician assistant.

8. **Reports Regarding Drug and Alcohol Screens**: All screening reports required under this Order from the Board-approved DFCS, the alternative DFCS and/or supervising physician must be received in the Board's offices no later than the due date for Mr. Schemenauer's declarations of compliance. It is Mr. Schemenauer's responsibility to ensure that reports are timely submitted.

9. **Additional Screening Without Prior Notice**: Upon the Board's request and without prior notice, Mr. Schemenauer shall provide a specimen of his blood, breath, saliva, urine, and/or hair for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Mr. Schemenauer, or for any other purpose, at Mr. Schemenauer's expense. Mr. Schemenauer's refusal to submit a specimen upon the request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary and Supervising Member of the Board.

10. **Rehabilitation Program**: Mr. Schemenauer shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or C.A., no less than three times per week, or as otherwise ordered by the Board. Substitution of any other specific program must receive prior Board approval.

    Mr. Schemenauer shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Mr. Schemenauer's declarations of compliance.

11. **Comply with the Terms of Aftercare Contracts**: Mr. Schemenauer shall maintain continued compliance with the terms of the aftercare contract(s) entered into with his treatment provider(s), provided that, where terms of an aftercare contract conflict with terms of this Order, the terms of this Order shall control.

12. **Coordination with the West Virginia Medical Professionals Health Program**: The Board, in its sole discretion, and with the agreement of the West Virginia Medical Professionals Health Program [WVMPHP], may coordinate with the WVMPHP with respect to Mr. Schemenauer's rehabilitation programs and monitoring, including among other things the random urine screenings as described in Paragraphs A.6 through A.8

13. **Continue Psychiatric Treatment**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall submit to the Board for its prior approval the name and curriculum vitae of a psychiatrist of Mr. Schemenauer's choice. Mr. Schemenauer may request approval of his current psychiatrist.

    Mr. Schemenauer shall undergo and continue psychiatric treatment at the rate of visits recommended by the approved treating psychiatrist, or as otherwise directed by the Board. The sessions shall be in person and may not be conducted by telephone or other electronic means. Mr. Schemenauer shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his mental-health disorder and submitting to periodic tests of his blood and/or urine.

    Mr. Schemenauer shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychiatrist. Mr. Schemenauer 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 Mr. Schemenauer's declarations of compliance. The psychiatric reports shall contain information describing Mr. Schemenauer's current treatment plan and any changes that have been made to the treatment plan since the prior report; his compliance with the treatment plan; his mental-health status; his progress in treatment; and results of any laboratory or other studies that have been conducted since the prior report.

    Mr. Schemenauer shall ensure that his treating psychiatrist immediately notifies the Board of Mr. Schemenauer's failure to comply with his psychiatric treatment plan and/or any determination that Mr. Schemenauer is unable to practice due to his mental-health disorder.

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

The Board, in its sole discretion, may disapprove any psychiatrist proposed to serve as Mr. Schemenauer's designated treating psychiatrist, or may withdraw its approval of any psychiatrist previously approved to serve as Mr. Schemenauer's designated treating psychiatrist in the event that the Secretary and Supervising Member of the Board determine that any such psychiatrist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

14. **Continue Psychological Treatment**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall submit to the Board for its prior approval the name and curriculum vitae of a psychologist of Mr. Schemenauer's choice. Mr. Schemenauer may request approval of his current psychologist.

Mr. Schemenauer shall undergo and continue psychological treatment at the rate of visits recommended by the approved treating psychologist, or as otherwise directed by the Board. The sessions shall be in person and may not be conducted by telephone or other electronic means. Mr. Schemenauer shall comply with his psychological treatment plan, including taking medications as prescribed and/or ordered for his mental-health disorder and submitting to periodic tests of his blood and/or urine.

Mr. Schemenauer shall continue in psychological treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychologist. Mr. Schemenauer 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 Mr. Schemenauer's declarations of compliance. The psychological reports shall contain information describing Mr. Schemenauer's current treatment plan and any changes that have been made to the treatment plan since the prior report; his compliance with the treatment plan; his mental-health status; his progress in treatment; and results of any laboratory or other studies that have been conducted since the prior report.

Mr. Schemenauer shall ensure that his treating psychologist immediately notifies the Board of Mr. Schemenauer's failure to comply with his psychological treatment plan and/or any determination that Mr. Schemenauer is unable to practice due to his mental-health disorder.

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

The Board, in its sole discretion, may disapprove any psychologist proposed to serve as Mr. Schemenauer's designated treating psychologist, or may withdraw its approval of any psychologist previously approved to serve as Mr. Schemenauer's designated treating psychologist in the event that the Secretary and Supervising Member of the Board determine that any such psychologist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

15. **Reporting Physician**: Prior to Mr. Schemenauer's commencement of practice in Ohio, or as otherwise determined by the Board, Mr. Schemenauer shall submit the name and curriculum vitae of a reporting physician for prior written approval by the Secretary and 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 Mr. Schemenauer. The reporting physician must be a physician who is designated as a supervising physician for Mr. Schemenauer under a Board-approved supervisory agreement related to his licensure as a physician assistant.

The reporting physician shall monitor Mr. Schemenauer and his practice as a physician assistant, and shall review Mr. Schemenauer'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 performance of Mr. Schemenauer and his practice as a physician assistant, and on the review of Mr. Schemenauer's patient charts. Mr. Schemenauer 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 Mr. Schemenauer's declarations of compliance.

In the event that the designated reporting physician becomes unable or unwilling to serve in this capacity, Mr. Schemenauer shall immediately so notify the Board in writing. In addition, Mr. Schemenauer shall make arrangements acceptable to the Board for another reporting physician within 30 days after the previously designated reporting physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Mr. Schemenauer shall further ensure that the previously designated reporting physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

The Board, in its sole discretion, may disapprove any physician proposed to serve as Mr. Schemenauer's reporting physician, or may withdraw its approval of any physician previously approved to serve as Mr. Schemenauer's reporting physician, in the event that the Secretary and Supervising Member of the Board determine that any such reporting physician has demonstrated a

lack of cooperation in providing information to the Board or for any other reason.

16. **Releases**: Mr. Schemenauer shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Mr. Schemenauer's chemical dependency, depression and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. To the extent permitted by law, 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.

    Mr. Schemenauer shall also provide the Board written consent permitting any psychiatrist, psychologist, counselor, or other treatment provider from whom he obtains treatment to notify the Board in the event Mr. Schemenauer 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.

17. **Required Reporting of Change of Address**: Mr. Schemenauer shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.

18. **Absences from Ohio**: Effective with Mr. Schemenauer's commencement of the practice of physician assisting in Ohio, he 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. Further, the Secretary and Supervising Member of the Board shall have the discretion to waive part or all of the monitoring terms set forth in this Order for occasional periods of absence of 14 days or less.

    In the event that Mr. Schemenauer resides and/or is employed at a location that is within 50 miles of the geographic border of Ohio and a contiguous state, Mr. Schemenauer may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Mr. Schemenauer is otherwise able to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

19. **Modification of Terms**: Mr. Schemenauer shall not request modification of the terms, conditions, or limitations of probation for at least three years after imposition of these probationary terms, conditions, and limitations.

20. **Tolling of Probationary Period While Out of Compliance**: In the event Mr. Schemenauer is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

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

C. **VIOLATION OF THE TERMS OF THIS ORDER**: If Mr. Schemenauer 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.

D. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**

1. **Required Reporting to Employers and Others**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training, and the Chief of Staff at each hospital or healthcare center where he has privileges or appointments. Further, Mr. Schemenauer shall promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments.

   In the event that Mr. Schemenauer provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

   This requirement shall continue until Mr. Schemenauer receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting to Other Licensing Authorities**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Also, Mr. Schemenauer

shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Mr. Schemenauer receives from the Board written notification of the successful completion of his probation.

3. **Required Reporting to Treatment Providers/Monitors**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall provide a copy of this Order to all persons and entities that provide chemical dependency/abuse treatment to or monitoring of Mr. Schemenauer. This requirement shall continue until Mr. Schemenauer receives from the Board written notification of the successful completion of his probation.

4. **Required Documentation of the Reporting Required by Paragraph D**: Mr. Schemenauer shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

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

J. Craig Strafford MD MPH

J. Craig Strafford, M.D., M.P.H.
Secretary

(SEAL)

January 11, 2012
Date

STATE MEDICAL BOARD
OF OHIO

2011 DEC 13 PM 3:00

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of	*	
		Case No. 11-CRF-075
Stephen August Schemenauer, P.A.,	*	
		Hearing Examiner Petrucci
Respondent.	*	

REPORT AND RECOMMENDATION

Basis for Hearing

By letter dated July 13, 2011, the State Medical Board of Ohio [Board] notified Stephen August Schemenauer, P.A., that it had proposed to deny his application for a certificate to practice as a physician assistant in Ohio or to take disciplinary action. The Board based its proposed action on allegations that Mr. Schemenauer had agreed in early 2008 that, before applying in the future for a certificate to practice as a physician assistant in Ohio, he would demonstrate his ability to practice in accordance with acceptable and prevailing standards of care. Further, the Board alleged that, in 2008 and 2009, Mr. Schemenauer was treated at several facilities for chemical dependency, among other things, and that in 2008 and 2009, Mr. Schemenauer relapsed on alcohol on three separate occasions. Also, the Board alleged that, after his West Virginia physician assistant license was reinstated, Mr. Schemenauer surrendered that license because of his relapses and then that license "expired."

Furthermore, the Board alleged the following:

- Mr. Schemenauer's acts, conduct, and/or omissions 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 the ability to practice," as set forth in Section 4730.25(B)(5), Ohio Revised Code.

- Mr. Schemenauer failed to fulfill the conditions for reapplication by not demonstrating inpatient treatment "from a treatment provider approved under Section 4731.25 of the Ohio Revised Code in conformance with Rule 4731-16-02(B)(4)(a), Ohio Administrative Code," after his relapse in July 2008.

- The West Virginia Board of Medicine's action constitutes "any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation;

or issuance of an order of censure or other reprimand," as set forth in Section 4730.25(B)(18), Ohio Revised Code.

Accordingly, the Board advised Mr. Schemenauer of his right to request a hearing in this matter. On July 25, 2011, Mr. Schemenauer requested a hearing. (State's Exhibits 1A, 1B)

Appearances at the Hearing

Mike DeWine, Attorney General, and Kyle C. Wilcox, Assistant Attorney General, on behalf of the State of Ohio. Eric J. Plinke, Esq., on behalf of Mr. Schemenauer.

Hearing Dates: October 7, 2011

PROCEDURAL MATTERS

The hearing record was held open in this matter so that Mr. Schemenauer could provide additional exhibits. Mr. Schemenauer timely provided two additional exhibits, and the State had no objection to them. They were marked as Respondent's Exhibits T and U, and they were admitted under seal.

Additionally, the Hearing Examiner admitted several exhibits related to Mr. Schemenauer's recovery progress. Some of them were admitted under seal, and others were admitted in the public record. They all should have been admitted under seal as they relate to Mr. Schemenauer's alcohol treatment and recovery. Accordingly, State's Exhibits 12-15 and Respondent's Exhibits M, Q and S are admitted under seal.

Finally, the Hearing Examiner paginated State's Exhibits 1A, 2, 4, 10 and 11 after the hearing. The hearing record closed on October 11, 2011.

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.

Background

1. Stephen August Schemenauer, P.A., obtained an undergraduate degree in 2002 from Grand Valley State University in Allendale, Michigan. He worked as a nursing assistant after college. He obtained a master's degree in physician assistant [PA] studies in 2007 from Marietta College in Marietta, Ohio. Mr. Schemenauer has been a reservist with the National Guard since 2002. (Respondent's Exhibit [Resp. Ex.] A; Hearing Transcript [Tr.] at 21, 29-30, 42; St. Ex. 2 at 7, 24-25)

2. Mr. Schemenauer obtained a license to practice as a PA in West Virginia in September 2007. From December 2008 to May 2009, Mr. Schemenauer worked as a surgical PA at Ohio Valley Medical Center, which is a hospital in Wheeling, West Virginia. (Tr. at 22; State's Exhibit [St. Ex.] 2 at 7- 9, 18, 29) He explained his duties in that position as follows:

> We mainly did surgical first assist there, and we also ran the pre-op section of the hospital, and then we did history and physicals for approximately 50 percent of the physicians that were employed by the hospital, upon admission, upon the patient's admission.

(Tr. at 22)

3. Mr. Schemenauer has not worked as a PA since May 2009. He worked for a medical equipment company from early 2010 to May 2011. (Tr. at 23-24; St. Ex.2 at 2, 8)

***Eastway* Waiver**

4. Although a mental-health issue was not alleged in the Board's July 2011 Notice for Opportunity for Hearing, Mr. Schemenauer agreed that he would waive any objection(s) to the Board's consideration of the evidence related to a mental-health issue and to the Board's imposition of mental-health related terms in any sanction imposed in this matter.[1] (Tr. at 7-8)

Alcohol-Related Convictions, 2005-2006

5. While obtaining his master's degree, Mr. Schemenauer was involved in two alcohol-related incidents. First, in October 2005, Mr. Schemenauer was convicted in Ohio of operating a vehicle under the influence of alcohol or drugs [OVI]. Second, in October 2006, Mr. Schemenauer was convicted in West Virginia of OVI. (St. Ex. 2 at 14-15, 34-40; St. Ex. 3 at 1; Tr. at 27-28)

West Virginia Board of Medicine Actions, 2007-2008

6. In September 2007, the West Virginia Board of Medicine [WV Board] granted Mr. Schemenauer a license to practice as a PA in that state. (St. Ex. 2 at 18; St. Ex. 8 at 1; Tr. at 30)

7. When Mr. Schemenauer sought employment at a West Virginia hospital, the hospital conducted a background check and discovered Mr. Schemenauer's OVI convictions. The hospital requested that he inform the WV Board before it would grant him hospital privileges. Mr. Schemenauer notified the WV Board at that time about his two OVI convictions, and

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[1] In *In re Eastway* (1994), 95 Ohio App.3d 516, 642 N.E.2d 1135, cert. denied, the Franklin County Court of Appeals held that the Board could not require psychiatric treatment as a condition of probation when it had not charged a physician with being mentally impaired. Therefore, the Court concluded that a Board order which includes such sanctions is not supported by reliable, probative and substantial evidence, and is not in accordance with the law. See also, *Lawrence S. Krain, M.D. v. State Medical Board of Ohio* (Oct. 29, 1998), Franklin App. No. 97APE08-981, unreported.

acknowledged that he had falsely answered questions on his license application and with a WV Board member. (Tr. at 30; St. Ex. 8 at 1)

8. In November, 2007, the WV Board revoked Mr. Schemenauer's license because he had provided false answers on his license application and in an interview with a WV Board member about the two OVI convictions, and had exhibited "a lack of candor" during a subsequent discussion of the matter with the PA Committee of the WV Board. Additionally, the WV Board included conditions for Mr. Schemenauer to fulfill before the WV Board would consider reinstatement of the license. (St. Ex. 3 at 1; St. Ex. 8; Tr. at 31)

Ohio Certificate Application and Withdrawal, 2007-2008

9. In December 2007, Mr. Schemenauer filed an application for a certificate to practice as a PA in Ohio. In February 2008, he executed a request for withdrawal of his certificate application. The Withdrawal was requested in lieu of formal disciplinary proceedings pursuant to Sections 4730.25(B)(5), (B)(8), and (B)(18), Ohio Revised Code, and was based, in part, upon the revocation of his license to practice by the WV Board. Mr. Schemenauer admitted at that time that he was impaired in his ability to practice according to acceptable and prevailing standards of care due to the habitual use or abuse of alcohol. Also, he stated that he anticipated entering treatment at a Board-approved facility. (St. Ex. 3 at 1; Tr. at 77)

10. Additionally, Mr. Schemenauer agreed in pertinent part to the following:

> [P]rior to again applying for a certificate to practice as a physician assistant, * * * **I shall demonstrate** to the satisfaction of the State Medical Board of Ohio [Board] **that I can practice in accordance with acceptable and prevailing standards of care, with such demonstration to include: (1) certification from a treatment provider approved** under Section 4731.25 of the Ohio Revised Code **that, after the effective date of this Request for Withdrawal of Application, I have successfully completed any required inpatient treatment**, including at least twenty-eight days of inpatient or residential treatment for chemical dependence, as set forth in Rules 4731-16-02(B)(4)(a) and 4731-16-08(A)(13),[2] Ohio Administrative Code, completed consecutively; **and (2) evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved** under Section 4731.25 of the Ohio Revised Code, and such evidence shall include, but not be limited to, a copy of the signed aftercare contract, which must comply with Rule 4731-16-10 of the Ohio Administrative Code.
>
> Further, I understand that following any future application, the Board may require that I submit to additional evaluation(s) at my own expense at a Board-approved treatment provider.

[2]Rule 4731-16-08(A)(13), Ohio Administrative Code, sets forth some of the criteria that a treatment provider must meet to be Ohio Board-approved. As will be set forth in greater detail below, the parties have no disagreement regarding the approval status of the treatment facilities at which Mr. Schemenauer received treatment.

* * *

> Further, I acknowledge that in the event that I again apply for a certificate to practice as a physician assistant in Ohio, * * * the Board may, based upon the violation of Sections 4730.25(B)(5), (B)(8) and (B)(18), Ohio Revised Code, as set forth above, or upon any other legal basis, deny my request for licensure or, if a license is granted to me at that time, place terms, conditions and limitations on such license.

(St. Ex. 3, emphasis added) The Withdrawal became effective March 12, 2008.

Treatment for Chemical Dependency and Relapse, 2008

11. Mr. Schemenauer testified that, after his West Virginia license was revoked, he had contacted the West Virginia Medical Professionals Health Program [WVMPHP], and it had recommended that he enter into inpatient treatment. (Tr. at 31)

12. Mr. Schemenauer received inpatient, chemical dependency treatment from Metro Atlanta Recovery Residences [MARR] in Atlanta, Georgia, for 90 days, from February 27, 2008, to May 29, 2008. MARR was an Ohio Board-approved facility at the time. He was diagnosed with alcohol dependence. On May 30, 2008, Mr. Schemenauer entered into a five-year aftercare agreement with the WVMPHP, which includes monitoring, recovery group meetings and urine testing requirements. (Tr. at 31-33; St. Exs. 4, 12; Resp. Ex. C)

13. On July 28, 2008, Mr. Schemenauer consumed alcohol. The next day, he provided a urine sample for screening, and it was positive for alcohol. (Tr. at 33; St. Ex. 11 at 16)

14. Between July and November 2008, Mr. Schemenauer worked with the WVMPHP. He "doubled" his recovery efforts by attending recovery group meetings more often (including 90 meetings in 90 days), submitting urine samples more frequently, seeing a psychiatrist and a psychologist, and receiving a medication to help "curb" his alcohol cravings. (Tr. at 34-35)

West Virginia License Reinstatement, 2008

15. On November 20, 2008, the WV Board found that Mr. Schemenauer was in recovery and a full participant in the WVMPHP. The WV Board reinstated Mr. Schemenauer's license to practice as a PA until November 30, 2009, except that the license would expire sooner if the WVMPHP reported that Mr. Schemenauer was not in compliance with his participation agreement with WVMPHP. Also, if his license were to expire for noncompliance, the WV Board required Mr. Schemenauer to surrender his license. (St. Ex. 2 at 28-33, St. Ex. 9)

Treatment for Chemical Dependency and Relapses, 2009-2010

16. On May 14, 2009, Mr. Schemenauer consumed alcohol. A few hours later, he went to work at Ohio Valley Medical Center. The hospital personnel smelled the alcohol, did a breathalyzer

test which measured 0.05, and did a urine drug screen which showed an ethyl glucuronide [EtG][3] level of 8,206 ng/ml. Mr. Schemenauer was later terminated by his employer, and Mr. Schemenauer promptly turned in his West Virginia PA "wallet card," due to his non-compliance with regulations of the WVMPHP. (Tr. at 37-39; St. Ex. 9 at 6; St. Ex. 11 at 17, 18)

By letter dated May 20, 2009, the WV Board acknowledged receipt of Mr. Schemenauer's wallet card. The WV Board further notified him that as of May 20, 2009, the WV Board website would show his West Virginia license as "expired," and the letter would be attached to and remain part of the November 20, 2008, Consent Order. (St. Ex. 9 at 6)

17. At the recommendation of the WVMPHP, Mr. Schemenauer entered the Bridge to Recovery in Bowling Green, Kentucky, on June 19, 2009. Mr. Schemenauer stated that his presenting problems included expiration of his PA License, alcohol use and co-dependent behaviors. He did not comply with the program's behavior requirements, including smoking cigarettes, sneaking out of meetings and residences, missing meals, missing time in group, and pairing up with potential romantic partners.[4] On July 16, 2009, Mr. Schemenauer was given a contract which asked him to abide by the Bridge Policies and Guidelines, with a provision that failure to comply would result in discharge from the program. On July 20, 2009, Mr. Schemenauer violated this contract and he was discharged that same day. He had received inpatient treatment for 30 days while he was there. He was diagnosed with alcohol dependence in full remission. (Tr. at 40-42; St. Ex. 5; St. Ex. 11 at 16)

18. The parties stipulated that, at the time that Mr. Schemenauer received inpatient treatment at Bridge to Recovery, it was not an Ohio Board-approved treatment facility. (Tr. at 8-9)

19. On September 1, 2009, Mr. Schemenauer relapsed on alcohol. He disclosed the relapse to the WVMPHP and they recommended that he obtain treatment at Cumberland Heights Treatment Center [Cumberland] in Nashville, Tennessee. (Tr. at 43-45; St. Ex. 11 at 17)

20. Mr. Schemenauer entered inpatient treatment at Cumberland on October 19, 2009. He remained there until January 19, 2010. Upon admission to Cumberland, Mr. Schemenauer's initial diagnostic impression was alcohol dependence and depression. The discharge recommendations included following up with the WVMPHP, and meeting with an addiction psychiatrist and an addiction psychologist. (St. Ex. 10; Tr. at 45-46; Resp. Exs. D, E)

21. The parties stipulated that, at the time that Mr. Schemenauer received inpatient treatment at Cumberland, it was not an Ohio Board-approved treatment facility. (Tr. at 8-9)

22. Mr. Schemenauer stated that his "sobriety date" is September 3, 2009. (Tr. at 26-27; St. Ex. 11 at 17)

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[3]Elevated EtG levels indicate alcohol consumption.

[4]Mr. Schemenauer testified that he had socialized with a female patient, but it was only a friendship. (Tr. at 68)

23. Mr. Schemenauer testified that he successfully completed treatment at Cumberland, and he described why he believes the treatment was so effective:

> At that point, they had successfully found and started treatment for me for depression. And I really felt like that was what was holding me back because I was left without the alcohol, but still kind of the feelings of misery, that until I got those treated, I couldn't successfully stay away from the alcohol.

(Tr. at 46-47; See, also, Tr. at 66)

Recovery Activities and Treatment since January 2010

24. Mr. Schemenauer continues to be monitored by the WVMPHP.[5] His aftercare contract with the WVMPHP was amended in January 2010 after he completed treatment at Cumberland in order to incorporate the depression diagnosis and to incorporate follow-up treatment for both his chemical dependency and depression diagnoses in Michigan where he had moved. Mr. Schemenauer testified that he is compliant with his contract with the WVMPHP. (Resp. Ex. G; Tr. at 48, 70, 71)

25. Mr. Schemenauer stated that he is currently being treated for "concurrent depression with alcohol dependence." Since his discharge from Cumberland in January 2010 to the date of the hearing in October 2011, Mr. Schemenauer has continued his efforts to remain sober. He attends recovery group meetings (Alcoholics Anonymous [AA] and Caduceus), works with his sponsor, and undergoes weekly urine screens through FirstLab. Moreover, he sees a psychiatrist once a month, sees a psychologist twice a month, and takes medication to stabilize his mood. (Tr. at 47, 49-50, 65; St. Ex. 11 at 17-18)

26. Mr. Schemenauer stated that he has had face-to-face meetings with the WVMPHP, but has not met with WVMPHP personnel since February 2010 because he moved to Michigan. (St. Ex. 10 at 128; St. Ex. 11 at 18; Tr. at 83-84)

27. Mr. Schemenauer provided reports from the WVMPHP and his psychiatrist and psychologist. The State did not have the opportunity to question the authors. The reports from the WVMPHP were written in March, May, June, August and September 2011. The reports reflect that Mr. Schemenauer has been compliant with his aftercare contract. Moreover, the WVMPHP's reports reflect that Mr. Schemenauer has been fully engaged in the recovery process, has been working "an active program," and has been a model participant. (St. Exs. 12-15, Resp. Exs. M, Q, S)

    Additionally, Mr. Schemenauer's psychiatrist and psychologist in August and September 2011, respectively, reported that Mr. Schemenauer had met regularly with them and continues to be compliant with his treatment and medication. The psychiatrist further stated that he saw no "contraindications" to continued recovery and to Mr. Schemenauer practicing. (Resp. Exs. T, U)

[5]As noted earlier, the WVMPHP began monitoring Mr. Schemenauer in May 2008. (St. Ex. 11 at 18; St. Ex. 12)

28. In November 2010, Mr. Schemenauer entered into a five-year, aftercare contract with the Ohio Physicians Health Program Inc. [OPHP]. All monitoring under that agreement is deferred to the WVMPHP until Mr. Schemenauer moves to Ohio. (Resp. Ex. J)

Ohio Certificate Application, November 2010

29. Mr. Schemenauer filed an application for a certificate to practice as a PA in Ohio on November 22, 2010. Mr. Schemenauer disclosed his criminal convictions, the WV Board's actions, his impairment, his treatment, and his monitoring by the WVMPHP. (St. Ex. 2; Tr. at 24) The application is still pending.

Evaluation at Cleveland Clinic, April 2011

30. On April 18, 2011, Dr. Jason Jerry, M.D., at the Cleveland Clinic Alcohol & Drug Recovery Center, evaluated Mr. Schemenauer. The evaluation lasted roughly four hours. Dr. Jerry diagnosed alcohol dependence in remission and major depressive disorder, single and moderate. With regard to Mr. Schemenauer's depression, Dr. Jerry stated that the depression is being "fully and comprehensively" addressed by his treatment with a psychiatrist and a psychologist, and no further treatment was specifically indicated. (Tr. at 51-53; St. Ex. 6) Dr. Jerry concluded that Mr. Schemenauer is capable of practicing as a PA, according to acceptable and prevailing standards of care, so long as he complies with eight conditions:

- Attend weekly Caduceus meetings under the clinical supervision of Joseph Janesz, Ph.D. [a counselor at the Cleveland Clinic].
- Refrain from all alcohol use (zero tolerance).
- Refrain from all illegal drug use.
- Participate in random weekly urine screen monitoring program under the direction of the State Medical Board of Ohio. Weekly random drug and alcohol testing [is] to be arranged and/or approved by the Cleveland Clinic; OPHP will obtain [toxicology] screens.
- No mood altering chemicals, legal or illegal, in any form, except in cases of medical necessity, to be approved in advance if possible by Dr. Jerry or his representative; medications only as approved by Dr. Jerry or his representatives at the Cleveland Clinic.
- Enrollment in a monitoring program through FirstLab.
- Attendance at meetings of Alcoholics Anonymous, at least three per week initially for one year, including at least one Caduceus meeting. AA meetings and therapeutic contacts to be documented with signatures of meeting secretaries or therapists.
- Supervised aftercare contract for five years (260 weekly sessions at Cleveland Clinic with missed sessions to be made up.)

(St. Ex. 6)

31. Mr. Schemenauer executed a five-year aftercare agreement with the Cleveland Clinic on May 19, 2011. Among other things, the agreement requires Caduceus meetings, AA or the equivalent meetings, random urine screens, and abstinence from alcohol and drugs. The terms essentially mirror the terms contained in his agreement with the WVMPHP. (St. Ex. 7; Tr. at 54, 79-80)

32. Mr. Schemenauer testified that he agrees with the conditions identified by Dr. Jerry. He also explained that he went to the Cleveland Clinic to show the Board that he felt ready to practice as a PA and that a Board-approved evaluator also felt he was ready to practice.[6] (Tr. at 72, 81-82)

Other Information

33. Mr. Schemenauer has found a position with a family practice in Parkersburg, West Virginia. He has requested that his West Virginia license be reinstated. At the time of the hearing in this matter, the WV Board had not ruled on his request. (Tr. at 55-56, 67)

34. Mr. Schemenauer testified that he has "kept up" with his physical examination skills by reviewing text books. He also has kept up with the continuing medical education requirements required by the National Commission on Certification of Physician Assistants [NCCPA]. Additionally, at the time of the hearing, he had reinstated his NCCPA certificate.[7] Moreover, for roughly six months prior to the hearing, Mr. Schemenauer voluntarily shadowed an emergency-room physician once a week for eight to 12 hours. (Tr. at 57-59, 63-64, 79)

35. Mr. Schemenauer explained that he would like an Ohio certificate because his goal is to move to Cleveland, Ohio, where he has friends and a good support system. (Tr. at 59-60) He further explained as follows:

> I feel that, you know, that I chose the P.A. profession because I wanted to help people, and I -- I feel that going through what I've gone through with my own personal struggles makes me a better P.A. And I feel that with the support system I have in Cleveland, that it would be a -- you know, a good place for me to practice and maintain my sobriety.

(Tr. at 76) He agreed that he is impaired, is working a recovery plan and would need to continue on that plan. (Tr. at 77)

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[6]Mr. Schemenauer testified that a Board Enforcement Attorney stated that he needed only one evaluation. (Tr. at 81, 84)

[7]Mr. Schemenauer explained that the NCCPA revoked his national certificate when his West Virginia license was revoked. He further stated that the NCCPA offers a national examination (the Physician Assistant National Certifying Exam [PANCE]), which is required for licensure in all states, including Ohio. The PANCE is taken every six years. Mr. Schemenauer has taken the PANCE three times, and passed all three times. His last examination was in October 2010. (Tr. at 62-65, 69; Resp. Exs. H, I; St. Ex. 2 at 7, 21-23)

36. With regard to maintaining his sobriety, Mr. Schemenauer testified that he does not believe that an additional 28-day inpatient treatment would be a benefit. He explained as follows, "I feel that I'm stable and all of my reports have continued to show that I'm stable where I'm currently at. And I feel like it would be more of a punitive measure than a therapeutic measure." Nevertheless, Mr. Schemenauer stated that he is willing to comply with any terms or conditions imposed by the Board. (Tr. at 60-61, 76)

RELEVANT PROVISIONS OF THE OHIO ADMINISTRATIVE CODE

Rule 4731-16-02, Ohio Administrative Code, as effective when Mr. Schemenauer executed the withdrawal request, states in pertinent part:[8]

(A) Should the board have reason to believe that any licensee or applicant suffers from impairment * * * it may compel the individual to submit to a mental or physical examination, or both. Such examinations shall be undertaken by an approved treatment provider designated by the board. * * *

(B) In cases where the board has not initiated a disciplinary action for violations of any provisions of Chapter 4731., Chapter 4730., Chapter 4760. or Chapter 4762. of the Revised Code or any of its rules other than division (B)(5) of Section 4730.25 of the Revised Code, division (B)(26) of section 4731.22 of the Revised Code, division (B)(6) of section 4760.13 of the Revised Code or division (B)(6) of section 4762.13 of the Revised Code the following general pattern of action shall be followed:

(1) Upon identification by the board of reason to believe that a licensee or applicant is impaired it may compel an examination or examinations as set forth in paragraph (A) of this rule. The examination must include monitoring in an inpatient setting for at least seventy-two hours, and must meet all other requirements of rule 4731-16-05 of the Administrative Code.

* * *

(3) If the examination or examinations disclose impairment, or if the board has other reliable, substantial and probative evidence demonstrating impairment, the board shall initiate proceedings to suspend the license or deny the applicant. * * *

[8]This version of Rule 4731-16-02 was effective June 30, 2007. (Board Exhibit A)

The presence of one or more of the following circumstances shall constitute independent proof of impairment and shall support license suspension or denial without the need for an examination:

(a) The individual has relapsed during or following treatment;

(b) The individual has applied for or requested treatment in lieu of conviction of a criminal charge or intervention in lieu of conviction of a criminal charge, or had applied for or requested entry into a similar diversion or drug intervention program;

(c) The individual has pled guilty to or has had a judicial finding of guilt of a criminal offense that involved the individual's personal use or abuse of any controlled substance.

(4) **Before being eligible to apply for reinstatement of a license suspended** under this paragraph **the impaired practitioner must demonstrate** to the board that **the practitioner can resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's certificate. Such demonstration shall include** but shall not be limited to the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that **the practitioner has successfully completed any required inpatient treatment**. For purposes of this certification, inpatient treatment shall include inpatient or residential treatment. **The required inpatient treatment must extend a minimum of twenty-eight days** with the following exception: If the practitioner has previously completed an inpatient or residential treatment program of at least twenty-eight days and was able to maintain sobriety for at least one year following completion of that inpatient or residential treatment, the treatment required shall be determined by the treatment provider;

(b) Evidence of continuing full compliance with an aftercare contract that meets the requirements of rule 4731-16-10 of the Administrative Code, and with any consent agreement or order of the board then in effect;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. * * *

* * *

(D) Except as provided in this paragraph, a practitioner who has lapsed during or following treatment **shall be ineligible to apply for reinstatement** for at least ninety days following the date of license suspension for a first relapse, for at least one year following the date of license suspension for a second relapse, and **for at least three years following the date of license suspension for a third relapse.** * * *

(Board Exhibit A, emphasis added)

The current version of Rule 4731-16-02, which was also in effect at the time that Mr. Schemenauer filed his 2010 application for a certificate, contains largely the same requirements, including the provisions bolded above. In particular, the above-bolded provisions are set forth currently in provisions (B)(3)(a) and (D).

Additionally, it is noteworthy that the Board has established a rule that modifies its general regulatory approach when the impaired certificate holder does not reside or practice in Ohio. Rule 4731-16-12, Ohio Administrative Code, states the following with regard to impaired certificate holders who do not reside or practice in Ohio:

(A) If the board orders a certificate holder who neither resides nor physically practices in Ohio to submit to an evaluation under division (B)(26) of section 4731.22 of the Revised Code, division (F)(2) of section 4730.25 of the Revised Code, * * * or commences disciplinary proceedings against such a certificate holder based on an alleged violation of any of those divisions, **the board may waive any or all applicable provisions of this chapter of the Administrative Code, if it finds that alternative means exist to protect the public.** Factors the board may consider in determining whether the public will be adequately protected include, but are not limited to, the following:

(1) Whether the certificate holder is being monitored by the proper licensing authority in the jurisdiction where the certificate holder resides;

(2) Whether the certificate holder has received or is receiving evaluation and treatment from a treatment provider acceptable to the proper licensing authority in the jurisdiction where the certificate holder resides, and whether the treatment provider has agreed to report to the board on the certificate holder's diagnosis and progress in treatment, and to provide the board copies of all reports required to be submitted to the licensing authority in the jurisdiction where the certificate holder resides, if requested by the board;

(3) Whether the certificate holder is being monitored by a monitoring or advocacy group acceptable to the proper licensing authority in the jurisdiction where the certificate holder resides;

(4) Whether the certificate holder's employer or professional associates are aware of the certificate holder's impairment or alleged impairment.

(B) Grant of a waiver or waivers pursuant to this rule shall be conditioned on the certificate holder agreeing by a signed notarized statement to notify the board in writing of any intent to practice medicine or reside in Ohio, to submit to an evaluation by an approved treatment provider at the certificate holder's expense at the time if requested by the board, and to refrain from commencing practice in Ohio without prior board approval.

* * *

(E) **A certificate holder who neither resides nor practices in Ohio who relocates to Ohio after being diagnosed or treated for chemical abuse or chemical dependency must submit to an evaluation** by a treatment provider approved under section 4731.25 of the Revised Code and this chapter of the Administrative Code:

(1) If the certificate holder has less than one year documented sobriety at the time of relocation to Ohio, he or she must submit to an evaluation that meets all the requirements of rule 4731-16-05 of the Administrative Code, and must complete two years of aftercare and the applicable treatment as required by paragraph (B)(3) of rule 4731-16-02 of the Administrative Code.

(2) **If the certificate holder has more than one year but less than five years documented sobriety at the time of relocation to Ohio, he or she must submit to an evaluation that the treatment provider determines to be clinically appropriate, and must obtain the treatment recommended by the treatment provider.**

FINDINGS OF FACT

1. On November 22, 2010, Stephen August Schemenauer, P.A., submitted an Application for Physician Assistant Certificate to Practice in the State of Ohio. That application remains pending.

2. In March 2008, the Board accepted Mr. Schemenauer's Request for Withdrawal of Application for Certificate to Practice as a Physician Assistant [Withdrawal] for an application that he had submitted earlier. Such Withdrawal was requested in lieu of formal disciplinary proceedings pursuant to Sections 4730.25(B)(5), (B)(8), and (B)(18), Ohio Revised Code, and was based, in part, upon the revocation of his license to practice by the West Virginia Board of Medicine [WV Board]. Further, in the Withdrawal, Mr. Schemenauer admitted he was impaired in his ability to practice according to acceptable and prevailing standards of care due to the habitual use or abuse of alcohol, for which he anticipated entering treatment at a Board-approved facility.

As part of the Withdrawal, Mr. Schemenauer agreed that prior to applying for a certificate to practice as a physician assistant or any other certificate in the state of Ohio, he would demonstrate to the satisfaction of the Board that he could practice in accordance with acceptable and prevailing standards of care, to include successful completion of at least 28 days of inpatient or residential treatment for chemical dependence as set forth in Rules 4731-16-02(B)(4)(a) and 4731-16-08(A)(13), Ohio Administrative Code, completed consecutively.

The Withdrawal further provided that in the event Mr. Schemenauer again applied for a certificate to practice as a physician assistant in Ohio, the Board could, based upon violation of Sections 4730.25(B)(5), (B)(8) and (B)(18), deny his request for such licensure or, if a license is granted, place terms, conditions and limitations on such license.

3. On February 27, 2008, Mr. Schemenauer entered treatment for chemical dependency at Metro Atlanta Recovery Residences [MARR], a Board-approved treatment provider, upon referral from the WV Board. On May 29, 2008, he was discharged from MARR with a diagnosis of Alcohol Dependence.

4. From May 30, 2008, Mr. Schemenauer has been monitored by the West Virginia Medical Professionals Health Program [WVMPHP], but due to living in Michigan, he has not met with WVMPHP since February 2010.

5. On July 28, 2008, approximately two months after Mr. Schemenauer's discharge from MARR, he relapsed by consuming alcohol.

6. By Consent Order from the WV Board dated November 20, 2008, the WV Board reinstated Mr. Schemenauer's license to practice as a physician assistant. Such license was issued for a period of one year with conditions including that such license would automatically expire on November 30, 2009, and would automatically expire prior to that date should it be reported that Mr. Schemenauer was not in compliance with his agreement as a participant in the WVMPHP, whereupon he would be required to immediately surrender his license.

7. On May 14, 2009, Mr. Schemenauer relapsed for a second time by consuming alcohol. The morning following this relapse, upon reporting to work, Mr. Schemenauer's co-workers noted the odor of alcohol on his breath. Mr. Schemenauer admitted he had consumed alcohol, took a breathalyzer test which measured 0.05 and submitted to a urine screen that showed an EtG of 8,206 ng/ml.

8. Mr. Schemenauer admitted that his West Virginia physician assistant license expired effective on or about May 15, 2009, due to non-compliance with regulations of the WVMPHP, which was a violation of his Consent Order with the WV Board. By letter addressed to Mr. Schemenauer dated May 20, 2009, the WV Board acknowledged receipt of his wallet card. This letter further notified him that as of the date of such letter, the WV Board's website would show his West Virginia License as "expired," and the letter would be attached to and remain part of the November 20, 2008 Consent Order.

9. From June 19, 2009, to July 20, 2009, Mr. Schemenauer was treated at Bridge to Recovery, Bowling Green, Kentucky, which is a treatment facility that was not approved by the Ohio Board at the time of his treatment. Mr. Schemenauer stated that his presenting problems included expiration of his Physician Assistant's License, alcohol use and co-dependent behaviors. The discharge summary from Bridge to Recovery reports that Mr. Schemenauer had exhibited noncompliant behaviors, including smoking cigarettes, sneaking out of meetings and residences, missing meals, missing time in group, and pairing up with potential romantic partners. On July 16, 2009, Mr. Schemenauer was given a contract which asked him to abide by the Bridge Policies and Guidelines, with a provision that failure to comply would result in discharge from the program. On July 20, 2009, Mr. Schemenauer violated this contract and was discharged the same day.

10. On September 1, 2009, Mr. Schemenauer relapsed for a third time by consuming alcohol.

11. From October 19, 2009, until January 19, 2010, Mr. Schemenauer was treated at Cumberland Heights Treatment Center [Cumberland Heights], Nashville, Tennessee, a treatment facility that is not approved by the Ohio Board. Mr. Schemenauer attended this program upon referral from the WVMPHP. Upon admission to Cumberland Heights, his initial diagnostic impression was Alcohol Dependence and Depression. Discharge recommendations included following up with the WVMPHP, and meeting with an addiction psychiatrist and an addiction psychologist.

12. Mr. Schemenauer has stated that he is currently being treated for "concurrent depression with alcohol dependence."

13. On April 18, 2011, Mr. Schemenauer was evaluated by Jason Jerry, M.D., of the Cleveland Clinic Alcohol and Drug Recovery Center [Cleveland Clinic], a Board-approved treatment provider. Dr. Jerry diagnosed him with Axis I, Alcohol Dependence in remission, and Axis II, Major Depressive Disorder, single, moderate, and recommended that Mr. Schemenauer comply with certain conditions, including entering into a supervised aftercare contract for five years, including 260 weekly sessions at the Cleveland Clinic with missed sessions to be made up. On May 19, 2011, Mr. Schemenauer entered into an aftercare contract with the Cleveland Clinic.

CONCLUSIONS OF LAW

1. The acts, conduct, and/or omissions of Stephen August Schemenauer, P.A., as described in Findings of Fact 1 through 13 above, individually and/or collectively, 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 the ability to practice," as that clause is used in Section 4730.25(B)(5), Ohio Revised Code.

2. Mr. Schemenauer has fulfilled the conditions for reapplication as set forth in the Withdrawal of his prior Ohio application that specifically required Mr. Schemenauer to demonstrate

certification from a treatment provider approved under Section 4731.25 of the Ohio Revised Code in conformance with Rule 4731-16-02(B)(4)(a), Ohio Administrative Code (as in effect at that time).

This conclusion of law is based on the following: As anticipated in the Withdrawal and as set forth in Finding of Fact 3 above, Mr. Schemenauer successfully completed inpatient treatment at a Board-approved treatment provider (MARR) on May 29, 2008. Unfortunately, he relapsed afterward, in July 2008 and in September 2009. He received additional inpatient treatment at other treatment providers that were not Board-approved at the time. Rule 4731-16-02(B)(4)(a), Ohio Administrative Code, did not require Mr. Schemenauer to *repeat* inpatient treatment at a treatment facility approved by the Ohio Board because he failed to maintain sobriety for at least one year.[9] That rule simply does not require a repeat of inpatient treatment at a Board-approved facility. Moreover, Rule 4731-16-02(B)(4), Ohio Administrative Code, as in effect at the time of the Withdrawal, begins as follows: "Before being eligible **to apply for reinstatement of a license suspended** under this paragraph the impaired practitioner must demonstrate to the board that the practitioner **can resume practice** in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's certificate."[10] Mr. Schemenauer has held no certificate in Ohio, the Board did not suspend an Ohio certificate, and he is not seeking reinstatement or to resume practice in Ohio. The plain language of Rule 4731-16-02(B)(4), Ohio Administrative Code, demonstrates that it is not applicable in Mr. Schemenauer's situation.

3. Further, the facts as described in Findings of Fact 6 through 8 above, individually and/or collectively, constitute, "any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4730.25(B)(18), Ohio Revised Code.

Rationale for the Proposed Order

There is no dispute and the evidence solidly demonstrates that Mr. Schemenauer is impaired and that the WV Board has taken disciplinary action against his license in that state. With regard to the parties' main dispute, the Hearing Examiner concluded that Mr. Schemenauer complied with his

[9]It is possible that, at the time of the Withdrawal, Mr. Schemenauer and/or the Board staff anticipated that Mr. Schemenauer would re-apply for an Ohio certificate shortly after he successfully completed treatment at a Board-approved treatment facility. However, that did not happen. Nevertheless, Rule 4731-16-02(B)(4)(a), Ohio Administrative Code, did not require Mr. Schemenauer to *repeat* inpatient treatment at a treatment facility approved by the Ohio Board because he failed to maintain sobriety for at least one year.

[10]At the time Mr. Schemenauer filed his pending certificate application, the quoted language was still contained in Rule 4731-16-02, but at provision (B)(3), Ohio Administrative Code.

Withdrawal. Accordingly, the remaining issue is whether an Ohio certificate should be granted to Mr. Schemenauer, and if so under what conditions.

Mr. Schemenauer provided evidence of his ongoing monitoring, sobriety, and compliance with the WVMPHP. The WVMPHP and Mr. Schemenauer have stated that he has been sober for more than a year. Also important is Mr. Schemenauer's recent evaluation by a Board-approved treatment provider (the Cleveland Clinic), who found that Mr. Schemenauer is capable of practicing as a PA according to acceptable and prevailing standards of care, subject to certain conditions with which Mr. Schemenauer agrees.

The Respondent contends that two other Board matters are substantially similar and thus justify a similar outcome for Mr. Schemenauer: *In the Matter of Carmen Leigh Woolums, P.A.*, Consent Agreement (February 9, 2011); and *In the Matter of Paul Dominic Lopreato, P.A.*, Case No. 10-CRF-104, Board Order (April 13, 2011). Particularly convincing was the *Woolums* matter, which involved a PA who sought initial licensure in Ohio. She was impaired, had had treatment, had relapsed, and had received additional treatment at a non-Board-approved facility. She also had a mental-health issue and acknowledged conduct constituting a felony. She was disciplined by another board, was monitored by an out-of-state physician health program and had documented more than 1.5 years of sobriety. She was granted an Ohio certificate, subject to typical impairment and mental-health probationary requirements. She was not required to obtain additional inpatient treatment at an Ohio Board-approved treatment provider or suspended.

A certificate should be granted to Mr. Schemenauer without mandating further inpatient treatment. Mr. Schemenauer does not have a "perfect" recovery history, but he has documented sobriety for an extended period of time, he has continuously worked with a sister-state's professional health program, and he is active in and committed to a recovery program. However, probationary terms and conditions, including the typical impairment-related terms, should be imposed in order to monitor Mr. Schemenauer.

Also important in this matter is the fact that, at the time of the hearing, Mr. Schemenauer had an employment offer from a practice in West Virginia, but desires to practice in Ohio. Thus, it is unclear when Mr. Schemenauer will practice in Ohio. Accordingly, it is recommended that some requirements be triggered just prior to or at the time he commences practice in Ohio.

PROPOSED ORDER

It is hereby ORDERED that:

A. **GRANT OF PHYSICIAN ASSISTANT CERTIFICATE; PROBATION**: The application of Stephen August Schemenauer, P.A., for a certificate to practice as a physician assistant in the State of Ohio is GRANTED, provided that he otherwise meets all statutory and regulatory

requirements, and subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

1. **Obey the Law**: Mr. Schemenauer shall obey all federal, state, and local laws, and all rules governing the practice of physician assisting in the state in which he is practicing.

2. **Declarations of Compliance**: Mr. Schemenauer 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.

3. **Notification of Change in Licensure Status in West Virginia or Other Jurisdiction**: Mr. Schemenauer shall immediately notify the Board in writing of any modifications or change to his licensure status in West Virginia or any other jurisdiction.

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

5. **Sobriety**

   a. **Abstention from Drugs**: Mr. Schemenauer shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed, or administered to him by another so authorized by law who has full knowledge of Mr. Schemenauer's history of chemical dependency and/or abuse and who may lawfully prescribe for him (for example, a physician who is not a family member).

   Further, in the event that Mr. Schemenauer is so prescribed, dispensed, or administered any controlled substance, carisoprodol, or tramadol, Mr. Schemenauer shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber, the name of the drug Mr. Schemenauer received, the medical purpose for which he received the drug, the date the drug was initially received, and the dosage, amount, number of refills, and directions for use.

   Further, within 30 days of the date said drug is so prescribed, dispensed, or administered to him, Mr. Schemenauer shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

b. **Abstention from Alcohol**: Mr. Schemenauer shall abstain completely from the use of alcohol.

6. **Drug and Alcohol Screens; Drug Testing Facility and Collection Site**

a. Mr. Schemenauer shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Mr. Schemenauer 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, and shall include Mr. Schemenauer's drug(s) of choice.

b. Mr. Schemenauer shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. (The term "toxicology screen" is also used herein for "urine screen" and/or "drug screen.")

All specimens submitted by Mr. Schemenauer shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Order.

Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Order.

c. Mr. Schemenauer shall abstain from the use of any substance that may produce a positive result on a toxicology screen, including the consumption of poppy seeds or other food or liquid that may produce a positive result on a toxicology screen.

Mr. Schemenauer shall be held to an understanding and knowledge that the consumption or use of various substances, including but not limited to mouthwashes, hand-cleaning gels, and cough syrups, may cause a positive toxicology screen, and that unintentional ingestion of a substance is not distinguishable from intentional ingestion on a toxicology screen, and that, therefore, consumption or use of substances that may produce a positive result on a toxicology screen is prohibited under this Order.

d. All urine screenings for drugs and alcohol shall be conducted through a Board-approved drug-testing facility and Board-approved collection site pursuant to the global contract between the approved facility and the Board, which provides for the Board to maintain ultimate control over the urine-screening process and to preserve the confidentiality of positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code. The screening process for random testing shall require a daily call-in procedure. Further, in the event that the Board exercises its discretion, as provided in Paragraph 7, below ("Alternative Drug-testing Facility and/or Collection Site"), to approve urine screenings to be conducted at an

alternative drug-testing facility, collection site, and/or supervising physician, such approval shall be expressly contingent upon the Board's retaining ultimate control over the urine-screening process in a manner that preserves the confidentiality of positive screening results.

e. Within 30 days of the effective date of this Order, Mr. Schemenauer shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug-testing facility and/or collection site ("DFCS") in order to facilitate the screening process in the manner required by this Order.

Further, within 30 days of making such arrangements, Mr. Schemenauer shall provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Mr. Schemenauer and the Board-approved DFCS. Mr. Schemenauer's failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Order.

f. Mr. Schemenauer shall ensure that the urine-screening process performed through the Board-approved DFCS requires a daily call-in procedure, 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, Mr. Schemenauer and the Board-approved DFCS shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening result.

g. Mr. Schemenauer shall ensure that the Board-approved DFCS provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.

h. In the event that the Board-approved DFCS becomes unable or unwilling to serve as required by this Order, Mr. Schemenauer shall immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph 7, below, as soon as practicable. Mr. Schemenauer shall further ensure that the Board-approved DFCS also notifies the Board directly of its inability to continue to serve and the reasons therefor.

i. The Board, in its sole discretion, may withdraw its approval of any DFCS in the event that the Secretary and Supervising Member of the Board determine that the DFCS has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

7. **Alternative Drug-testing Facility and/or Collection Site**: It is the intent of this Order that Mr. Schemenauer shall submit urine specimens to the Board-approved DFCS

chosen by the Board. However, in the event that using the Board-approved DFCS creates an extraordinary hardship on Mr. Schemenauer, as determined in the sole discretion of the Board, then, subject to the following requirements, the Board may approve an alternative DFCS or a supervising physician to facilitate the urine-screening process for Mr. Schemenauer.

a. Within 30 days of the date on which Mr. Schemenauer is notified of the Board's determination that utilizing the Board-approved DFCS constitutes an extraordinary hardship on Mr. Schemenauer, he shall submit to the Board in writing for its prior approval the identity of either an alternative DFCS or the name of a proposed supervising physician to whom Mr. Schemenauer shall submit the required urine specimens.

   In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Mr. Schemenauer's residence or employment location, or to a physician who practices in the same locale as Mr. Schemenauer. Mr. Schemenauer shall ensure that the urine-screening process performed through the alternative DFCS or through the supervising physician requires a daily call-in procedure, 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, Mr. Schemenauer shall ensure that the alternative DFCS or the supervising physician maintains appropriate control over the specimen and immediately informs the Board of any positive screening result.

b. Mr. Schemenauer shall ensure that the alternative DFCS or the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.

c. In the event that the designated alternative DFCS or the supervising physician becomes unable or unwilling to so serve, Mr. Schemenauer shall immediately notify the Board in writing. Mr. Schemenauer shall further ensure that the previously designated alternative DFCS or the supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor. Further, in the event that the approved alternative DFCS or supervising physician becomes unable to serve, Mr. Schemenauer shall, in order to ensure that there will be no interruption in his urine-screening process, immediately commence urine screening at the Board-approved DFCS chosen by the Board, until such time, if any, that the Board approves a different DFCS or supervising physician, if requested by Mr. Schemenauer.

d. The Board, in its sole discretion, may disapprove any entity or facility proposed to serve as Mr. Schemenauer's designated alternative DFCS or any person proposed to serve as his supervising physician, or may withdraw its approval of any entity, facility or person previously approved to so serve in the event that the Secretary

and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

e. For purposes of this Order, the supervising physician specified in this paragraph is not necessarily a physician identified in the physician assistant supervisory plan[s] under which Mr. Schemenauer will practice as a physician assistant.

8. **Reports Regarding Drug and Alcohol Screens**: All screening reports required under this Order from the Board-approved DFCS, the alternative DFCS and/or supervising physician must be received in the Board's offices no later than the due date for Mr. Schemenauer's declarations of compliance. It is Mr. Schemenauer's responsibility to ensure that reports are timely submitted.

9. **Additional Screening Without Prior Notice**: Upon the Board's request and without prior notice, Mr. Schemenauer shall provide a specimen of his blood, breath, saliva, urine, and/or hair for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Mr. Schemenauer, or for any other purpose, at Mr. Schemenauer's expense. Mr. Schemenauer's refusal to submit a specimen upon the request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary and Supervising Member of the Board.

10. **Rehabilitation Program**: Mr. Schemenauer shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or C.A., no less than three times per week, or as otherwise ordered by the Board. Substitution of any other specific program must receive prior Board approval.

    Mr. Schemenauer shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Mr. Schemenauer's declarations of compliance.

11. **Comply with the Terms of Aftercare Contracts**: Mr. Schemenauer shall maintain continued compliance with the terms of the aftercare contract(s) entered into with his treatment provider(s), provided that, where terms of an aftercare contract conflict with terms of this Order, the terms of this Order shall control.

12. **Coordination with the West Virginia Medical Professionals Health Program**: The Board, in its sole discretion, and with the agreement of the West Virginia Medical Professionals Health Program [WVMPHP], may coordinate with the WVMPHP with respect to Mr. Schemenauer's rehabilitation programs and monitoring, including among other things the random urine screenings as described in Paragraphs A.6 through A.8

13. **Continue Psychiatric Treatment**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall submit to the Board for its prior approval the name and curriculum vitae of a psychiatrist of Mr. Schemenauer's choice. Mr. Schemenauer may request approval of his current psychiatrist.

    Mr. Schemenauer shall undergo and continue psychiatric treatment at the rate of visits recommended by the approved treating psychiatrist, or as otherwise directed by the Board. The sessions shall be in person and may not be conducted by telephone or other electronic means. Mr. Schemenauer shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered for his mental-health disorder and submitting to periodic tests of his blood and/or urine.

    Mr. Schemenauer shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychiatrist. Mr. Schemenauer 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 Mr. Schemenauer's declarations of compliance. The psychiatric reports shall contain information describing Mr. Schemenauer's current treatment plan and any changes that have been made to the treatment plan since the prior report; his compliance with the treatment plan; his mental-health status; his progress in treatment; and results of any laboratory or other studies that have been conducted since the prior report.

    Mr. Schemenauer shall ensure that his treating psychiatrist immediately notifies the Board of Mr. Schemenauer's failure to comply with his psychiatric treatment plan and/or any determination that Mr. Schemenauer is unable to practice due to his mental-health disorder.

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

    The Board, in its sole discretion, may disapprove any psychiatrist proposed to serve as Mr. Schemenauer's designated treating psychiatrist, or may withdraw its approval of any psychiatrist previously approved to serve as Mr. Schemenauer's designated treating psychiatrist in the event that the Secretary and Supervising Member of the Board determine that any such psychiatrist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

14. **Continue Psychological Treatment**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall submit to the Board for its prior approval the name and

curriculum vitae of a psychologist of Mr. Schemenauer's choice. Mr. Schemenauer may request approval of his current psychologist.

Mr. Schemenauer shall undergo and continue psychological treatment at the rate of visits recommended by the approved treating psychologist, or as otherwise directed by the Board. The sessions shall be in person and may not be conducted by telephone or other electronic means. Mr. Schemenauer shall comply with his psychological treatment plan, including taking medications as prescribed and/or ordered for his mental-health disorder and submitting to periodic tests of his blood and/or urine.

Mr. Schemenauer shall continue in psychological treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychologist. Mr. Schemenauer 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 Mr. Schemenauer's declarations of compliance. The psychological reports shall contain information describing Mr. Schemenauer's current treatment plan and any changes that have been made to the treatment plan since the prior report; his compliance with the treatment plan; his mental-health status; his progress in treatment; and results of any laboratory or other studies that have been conducted since the prior report.

Mr. Schemenauer shall ensure that his treating psychologist immediately notifies the Board of Mr. Schemenauer's failure to comply with his psychological treatment plan and/or any determination that Mr. Schemenauer is unable to practice due to his mental-health disorder.

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

The Board, in its sole discretion, may disapprove any psychologist proposed to serve as Mr. Schemenauer's designated treating psychologist, or may withdraw its approval of any psychologist previously approved to serve as Mr. Schemenauer's designated treating psychologist in the event that the Secretary and Supervising Member of the Board determine that any such psychologist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

15. **Reporting Physician**: Prior to Mr. Schemenauer's commencement of practice in Ohio, or as otherwise determined by the Board, Mr. Schemenauer shall submit the name and curriculum vitae of a reporting physician for prior written approval by the Secretary and 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 Mr. Schemenauer. The reporting physician must be a physician who is designated as a supervising physician for Mr. Schemenauer under a Board-approved supervisory agreement related to his licensure as a physician assistant.

The reporting physician shall monitor Mr. Schemenauer and his practice as a physician assistant, and shall review Mr. Schemenauer'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 performance of Mr. Schemenauer and his practice as a physician assistant, and on the review of Mr. Schemenauer's patient charts. Mr. Schemenauer 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 Mr. Schemenauer's declarations of compliance.

In the event that the designated reporting physician becomes unable or unwilling to serve in this capacity, Mr. Schemenauer shall immediately so notify the Board in writing. In addition, Mr. Schemenauer shall make arrangements acceptable to the Board for another reporting physician within 30 days after the previously designated reporting physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Mr. Schemenauer shall further ensure that the previously designated reporting physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

The Board, in its sole discretion, may disapprove any physician proposed to serve as Mr. Schemenauer's reporting physician, or may withdraw its approval of any physician previously approved to serve as Mr. Schemenauer's reporting physician, in the event that the Secretary and Supervising Member of the Board determine that any such reporting physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

16. **Releases**: Mr. Schemenauer shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Mr. Schemenauer's chemical dependency, depression and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. To the extent permitted by law, 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.

Mr. Schemenauer shall also provide the Board written consent permitting any psychiatrist, psychologist, counselor, or other treatment provider from whom he obtains treatment to notify the Board in the event Mr. Schemenauer 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.

17. **Required Reporting of Change of Address**: Mr. Schemenauer shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.

18. **Absences from Ohio**: Effective with Mr. Schemenauer's commencement of the practice of physician assisting in Ohio, he 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. Further, the Secretary and Supervising Member of the Board shall have the discretion to waive part or all of the monitoring terms set forth in this Order for occasional periods of absence of 14 days or less.

    In the event that Mr. Schemenauer resides and/or is employed at a location that is within 50 miles of the geographic border of Ohio and a contiguous state, Mr. Schemenauer may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Mr. Schemenauer is otherwise able to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

19. **Modification of Terms**: Mr. Schemenauer shall not request modification of the terms, conditions, or limitations of probation for at least three years after imposition of these probationary terms, conditions, and limitations.

20. **Tolling of Probationary Period While Out of Compliance**: In the event Mr. Schemenauer is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

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

C. **VIOLATION OF THE TERMS OF THIS ORDER**: If Mr. Schemenauer 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.

D. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**

1. **Required Reporting to Employers and Others**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training, and the Chief of Staff at each hospital or healthcare center where he has privileges or appointments. Further, Mr. Schemenauer shall promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments.

   In the event that Mr. Schemenauer provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

   This requirement shall continue until Mr. Schemenauer receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting to Other Licensing Authorities**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Also, Mr. Schemenauer shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Mr. Schemenauer receives from the Board written notification of the successful completion of his probation.

3. **Required Reporting to Treatment Providers/Monitors**: Within 30 days of the effective date of this Order, Mr. Schemenauer shall provide a copy of this Order to all persons and entities that provide chemical dependency/abuse treatment to or monitoring of Mr. Schemenauer. This requirement shall continue until Mr. Schemenauer receives from the Board written notification of the successful completion of his probation.

4. **Required Documentation of the Reporting Required by Paragraph D**: Mr. Schemenauer shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a

copy of the Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

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

Gretchen L. Petrucci
Hearing Examiner

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

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med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF JANUARY 11, 2012

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

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

Dr. Mahajan asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Margy Temponeras, M.D.; Armando Abel Cortez, M.D.; Stephen August Schemenauer, P.A.; and Dawn Zacharias, M.D. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye

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

served as Secretary and Dr. Amato served as Supervising Member.

Dr. Mahajan reminded all parties that no oral motions may be made during these proceedings.

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

.....

STEPHEN AUGUST SCHEMENAUER, P.A., Case No. 11-CRF-075

.....

Dr. Madia moved to approve and confirm Ms. Petrucci's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Stephen August Schemenauer, P.A. Mr. Hairston seconded the motion.

.....

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

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Amato	- abstain
	Dr. Strafford	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion to approve carried.

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

July 13, 2011

Case number: 11-CRF- 075

Stephen August Schemenauer, P.A.
7077 N. Coloma Rd.
Coloma, MI 49038

Dear Mr. Schemenauer:

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

(1) On or about November 22, 2010, you submitted an Application for Physician Assistant Certificate to Practice in the State of Ohio [Application]. Your application remains pending.

(2) On or about March 12, 2008, the Board accepted your Request for Withdrawal of Application for Certificate to Practice as a Physician Assistant [Withdrawal], for the Application you submitted on or about December 18, 2007. Such Withdrawal was taken in lieu of formal disciplinary proceedings pursuant to Sections 4730.25(B)(5), (B)(8), and (B)(18), Ohio Revised Code, and was based, in part, upon the revocation of your license to practice by the West Virginia Board of Medicine [West Virginia Board]. Further, in your Withdrawal, you admitted you were impaired in your ability to practice according to acceptable and prevailing standards of care due to the habitual use or abuse of alcohol, for which you anticipated entering treatment at a Board-approved facility.

As part of your Withdrawal, you agreed that prior to applying for a certificate to practice as a physician assistant or any other certificate in the state of Ohio, you would demonstrate to the satisfaction of the Board that you could practice in accordance with acceptable and prevailing standards of care, to include at least twenty-eight days of inpatient or residential treatment for chemical dependence as set forth in Rules 4731-16-02(B)(4)(a) and 4731-16-08(A)(13), Ohio Administrative Code, completed consecutively.

Mailed 7-14-11

The Withdrawal further provides that in the event you again apply for a certificate to practice as a physician assistant in Ohio, the Board may, based upon violation of Sections 4730.25(B)(5), (B)(8) and (B)(18), deny your request for such licensure or, if a license is granted, place terms, conditions and limitations on such license.

A copy of the Withdrawal is attached hereto and incorporated herein.

(3) On or about February 27, 2008, you entered treatment for chemical dependency at Metro Atlanta Recovery Residences [MARR], a Board-approved treatment provider. Additionally, you entered treatment at MARR upon referral from the West Virginia Board. On or about May 29, 2008, you were discharged from MARR with a diagnosis of Alcohol Dependence.

(4) From on or about May 30, 2008, you have been monitored by the West Virginia Medical Professionals Health Program [WVMPHP], but due to living in Michigan, you have not met with them since in or about February 2010.

(5) On or about July 28, 2008, approximately two months from your discharge from MARR, you relapsed by consuming alcohol.

(6) By Consent Order from the West Virginia Board dated on or about November 20, 2008, [2008 West Virginia Consent Order], the West Virginia Board reinstated your license to practice as a physician assistant, effective on or about December 1, 2008. Such license was issued for a period of one year with conditions including that such license would automatically expire on or about November 30, 2009, and would automatically expire prior to that date should it be reported that you were not in compliance with your agreement as a participant in the WVMPHP, whereupon you would be required to immediately surrender your license.

A copy of the 2008 West Virginia Consent Order is attached hereto and incorporated herein.

(7) On or about May 14, 2009, you relapsed for a second time by consuming alcohol. The morning following this relapse, upon reporting to work, your co-workers noted the odor of alcohol on your breath. You admitted you had consumed alcohol, took a breathalyzer test which measured 0.05 and submitted a urine screen that showed an EtG of 8206 ng/mL.

(8) You admitted that your West Virginia physician assistant license expired effective on or about May 15, 2009, due to non-compliance with regulations of the WVMPHP, which was a violation of your Consent Order with the West Virginia

Board. By letter addressed to you dated May 20, 2009, the West Virginia Board acknowledged receipt of your wallet card. This letter further notified you that as of the date of such letter, the West Virginia Board of Medicine website would show your West Virginia License as "expired," and the letter would be attached to and remain part of the November 20, 2008, Consent Order.

(9) From on or about June 19, 2009, to on or about July 20, 2009, you were treated at Bridge to Recovery, Bowling Green, Kentucky, a treatment facility that is not approved by this Board. You stated that your presenting problems included expiration of your Physician Assistant's License, alcohol use and co-dependent behaviors. Your discharge summary from Bridge to Recovery reports that you had exhibited noncompliant behaviors, including smoking cigarettes, sneaking out of meetings and residences, missing meals, missing time in group, and pairing up with potential romantic partners. On or about July 16, 2009, you were given a contract which asked you to abide by the Bridge Policies and Guidelines, with a provision that failure to comply would result in discharge from the program. On or about July 20, 2009, you violated this contract.

(10) On or about September 1, 2009, you relapsed for a third time by consuming alcohol.

(11) From on or about October 19, 2009 until on or about January 19, 2010, you were treated at Cumberland Heights Treatment Center, [Cumberland Heights], Nashville, Tennessee, a treatment facility that is not approved by this Board. You attended this program upon referral from Dr. Hall of the WVMPHP. Upon admission to Cumberland Heights, your initial diagnostic impression was Alcohol Dependence and Depression. Discharge recommendations included following up with the WVMPHP, and meeting with an addiction psychiatrist and addiction psychologist.

(12) You have stated that you are currently being treated for "concurrent depression with alcohol dependence."

(13) On or about April 18, 2011, you were evaluated by Jason Jerry, M.D., [Dr. Jerry] of the Cleveland Clinic Alcohol and Drug Recovery Center [Cleveland Clinic], a Board-approved treatment provider. Dr. Jerry diagnosed you with Axis I, Alcohol Dependence in remission, and Axis II, Major Depressive Disorder, single, moderate, and recommended that you comply with certain conditions, including entering into a supervised aftercare contract for five years, including 260 weekly sessions at the Cleveland Clinic with missed sessions to be made up. On or about May 19, 2011, you entered into an aftercare contract with the Cleveland Clinic.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (13) above, individually and/or collectively, 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 the ability to practice," as that clause is used in Section 4730.25(B)(5), Ohio Revised Code.

Furthermore, although you have applied for a certificate to practice as a physician assistant in the state of Ohio, you have failed to fulfill the conditions for reapplication as set forth in the Withdrawal of your prior Ohio application. Specifically, you are required to demonstrate certification from a treatment provider approved under Section 4731.25 of the Ohio Revised Code in conformance with Rule 4731-16-02(B)(4)(a), Ohio Administrative Code (as in effect at that time). Although you initially completed inpatient treatment at MARR on or about May 29, 2008, you relapsed on or about July 28, 2008. Pursuant to Rule 4731-16-02(B)(4)(a), Ohio Administrative Code, you were required to repeat inpatient treatment at a treatment facility approved by the Ohio Board because you failed to maintain sobriety for at least one year. However, you have not completed said treatment.

Further, the facts as alleged in paragraphs (6) through (8) above, individually and/or collectively, constitute, "any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4730.25(B)(18), Ohio Revised Code.

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

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

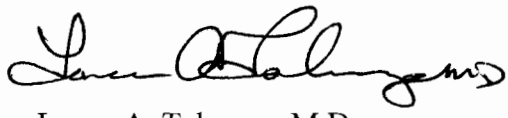
In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke or suspend your certificate to practice as a physician assistant, refuse to issue or reinstate your certificate or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4730.25(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant to an applicant a certificate to practice as a physician assistant or a certificate to prescribe, revokes an individual's certificate, refuses to issue a certificate, or refuses to reinstate an individual's certificate, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold the certificate and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Further, pursuant to Section 4730.50, Ohio Revised Code, "If a sanction under section 4730.25 of the Revised Code applies to a physician assistant's certificate to practice, the same sanction is placed on the physician assistant's certificate to prescribe while the sanction applies to the certificate to practice."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/KHM/flb
Enclosures

CERTIFIED MAIL #91 7199 9991 7030 3380 5382
RETURN RECEIPT REQUESTED

STATE OF OHIO
THE STATE MEDICAL BOARD
REQUEST FOR WITHDRAWAL OF
APPLICATION FOR CERTIFICATE TO PRACTICE AS A PHYSICIAN ASSISTANT

I, Stephen August Schemenauer, hereby request that my pending application for a certificate to practice as a physician assistant in the State of Ohio be withdrawn.

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Sections 4730.25(B)(5), (B)(8) and (B)(18), Ohio Revised Code, based upon the following:

> I admit that on or about October 12, 2005, in Marietta, Ohio, I was convicted of Operating vehicle under the influence of alcohol or drugs, in violation of Section 4511.19(A)(1), Ohio Revised Code, and that on or about October 25, 2006, in Parkersburg, West Virginia, I was convicted of Driving under influence of alcohol, controlled substances or drugs, in violation of West Virginia code. I admit further that, on or about November 28, 2007, my license to practice as a physician assistant in the state of West Virginia was revoked by the West Virginia Board of Medicine [West Virginia Board] and conditions placed upon consideration of my reapplication in that state. I admit further that the action taken by the West Virginia Board was based upon acts including that I provided false answers with respect to the above-noted convictions in my application and in an interview with a Board member, and that I exhibited lack of candor during a discussion of the matter with the Physician Assistant Committee of the West Virginia Board. I further admit that I am presently impaired in my ability to practice according to acceptable and prevailing standards of care due to the habitual use or abuse of alcohol, for which I anticipate entering treatment on or about February 28, 2008, at a treatment facility approved by the Ohio Board.

I, Stephen August Schemenauer, agree that prior to again applying for a certificate to practice as a physician assistant, or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, I shall demonstrate to the satisfaction of the State Medical Board of Ohio [Board] that I can practice in accordance with acceptable and prevailing standards of care, with such demonstration to include: (1) certification from a treatment provider approved under Section 4731.25 of the Ohio Revised Code that, after the effective date of this Request for Withdrawal of Application, I have successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical dependence, as set forth in Rules 4731-16-02(B)(4)(a) and 4731-16-08(A)(13), Ohio Administrative Code, completed consecutively; and (2) evidence of continuing full compliance with a post-discharge

OHIO STATE MEDICAL BOARD

FEB 28 2008

RECEIVED

aftercare contract with a treatment provider approved under Section 4731.25 of the Ohio Revised Code, and such evidence shall include, but not be limited to, a copy of the signed aftercare contract, which must comply with Rule 4731-16-10 of the Ohio Administrative Code.

Further, I understand that following any future application, the Board may require that I submit to additional evaluation(s) at my own expense at a Board-approved treatment provider.

Further, I, Stephen August Schemenauer, understand and agree that in the event that I again apply for a certificate to practice as a physician assistant, or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, the Board shall have full authority to investigate any and all matters pertinent to my application, including but not limited to, any treatment and/or recovery history, and I will authorize release of any and all treatment and monitoring records to the Board. In addition, I understand that the Board reserves the right to deny any such future application, as well the right to pursue disciplinary action against me, if it determines that it has a reason to pursue such measures as prescribed by Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code.

Further, I acknowledge that in the event that I again apply for a certificate to practice as a physician assistant in Ohio, or apply for issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, the Board may, based upon the violation of Sections 4730.25(B)(5), (B)(8) and (B)(18), Ohio Revised Code, as set forth above, or upon any other legal basis, deny my request for licensure or, if a license is granted to me at that time, place terms, conditions, and limitations on such license.

Further, I, Stephen August Schemenauer, acknowledge that in the event I again apply for a certificate to practice as a physician assistant, or apply for issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, the Board may require additional evidence of my present fitness to practice, to include requiring me to pass an oral or written exam, or both.

I, Stephen August Schemenauer, hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

It is understood and agreed that this Request for Withdrawal of Application 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, Stephen August Schemenauer, 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.

OHIO STATE MEDICAL BOARD

FEB 28 2008

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It is expressly understood that this Request for Withdrawal of Application 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.

STEPHEN AUGUST SCHEMENAUER

2/26/2008
DATE

LANCE A. TALMAGE, M.D.
Secretary

3-12-08
DATE

RAYMOND J. ALBERT
Supervising Member

3/12/08
DATE

KAREN MORTLAND
Enforcement Attorney

2/28/08
DATE

OHIO STATE MEDICAL BOARD

FEB 28 2008

RECEIVED

State of West Virginia
Board of Medicine

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
www.wvbom.wv.gov

REV. O. RICHARD BOWYER
PRESIDENT

CATHERINE SLEMP, MD, MPH
SECRETARY

MICHAEL L. FERREBEE, MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

CERTIFICATION

I DO HEREBY CERTIFY that the following attached document **IN RE: STEPHEN SCHEMENAUER, P.A.-C.** is a true and accurate copy of the original document as maintained by the West Virginia Board of Medicine: **CONSENT ORDER** dated November 20, 2008.

Robert C. Knittle, Executive Director
West Virginia Board of Medicine

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA

The foregoing instrument was acknowledged before me this 30th day of March, 2011, by Robert C. Knittle, Executive Director, West Virginia Board of Medicine.

My Commission expires July 20, 2019.

Lori Blaney
Notary Public

Official Seal
Notary Public, State of West Virginia
Lori Blaney
West Virginia Board of Medicine
101 Dee Drive Suite 103
Charleston, WV 25311
My Commission Expires July 20, 2019

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

STEPHEN SCHEMENAUER, P.A.-C.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Stephen Schemenauer, P.A.-C. ("Mr. Schemenauer") pursuant to the W. Va. Code §30-3-1, *et seq.*, and 11 CSR 1B 10.1, freely and voluntarily enter into the following:

FINDINGS OF FACT

1. Mr. Schemenauer, P.A.-C., was licensed as a physician assistant by the West Virginia Board of Medicine in September, 2007, and held license No. 01309, until it was revoked by Consent Order entered into by the Board and Mr. Schemenauer, effective November 28, 2007.

2. Under the terms of the Consent Order, prior to any consideration of physician assistant licensure in West Virginia in the future, in whole or in part, Mr. Schemenauer agreed to provide evidence that he has successfully completed a drug/alcohol rehabilitation program wherein he has received treatment and counseling, all of which records shall be produced for Physician Assistant Committee review; that he has obtained and produced for Physician Assistant Committee review a psychological assessment; and that he has obtained appropriate coursework while unlicensed.

3. Mr. Schemenauer has now requested reinstatement of his license and produced for Physician Assistant Committee review all of the required material set out in paragraph 2 of these Findings of Fact and has appeared before the Physician Assistant Committee for a full discussion of his health and well-being.

4. The Physician Assistant Committee is satisfied that Mr. Schemenauer is in recovery, with a diagnosis of alcohol dependence in remission and that he is a full participant with the West Virginia Medical Professionals Health Program.

5. The Physician Assistant Committee has determined that Mr. Schemenauer is in good health and he meets the requirements for reinstatement of his physician assistant license, though permitting such reinstatement without attaching certain accommodations, restrictions and limitations upon his license could adversely affect the health and welfare of a patient.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine has a mandate pursuant to West Virginia Code §30-3-1, to protect the public interest.

2. Probable cause exists to deny reinstatement of licensure as a physician assistant to Mr. Schemenauer pursuant to the provisions of 11 CSR 1B 10.1(h) and 11 CSR 1B 11.

3. It is appropriate and in the public interest to reinstate the license of Mr. Schemenauer with certain accommodations, restrictions and limitations upon his licensure as a physician assistant in the State of West Virginia.

CONSENT

Mr. Schemenauer agrees solely and exclusively for the purpose of the entry of this Order to the following:

1. Mr. Schemenauer acknowledges that without consent, no permanent legal action may be taken against him except after a hearing held in accordance with 11 CSR 1B 10.1 and 11 and W. Va. Code §29A-5-1, *et seq.*, and W. Va. Code §30-3-16;

2. Mr. Schemenauer further acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him;

3. Mr. Schemenauer waives all such due process rights;

4. Mr. Schemenauer consents to the entry of this Order relative to his practice as a physician assistant in the State of West Virginia; and,

5. Mr. Schemenauer understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and the foregoing consent of Mr. Schemenauer, the West Virginia Board of Medicine hereby **ORDERS**:

1. The license to practice as a physician assistant in the State of West Virginia of Mr. Schemenauer, License # 01309, is REINSTATED, effective December 1, 2008.

2. Said License is issued for a period of one year, automatically expiring on the thirtieth (30th) day of November, 2009, and automatically expiring prior to that date should it be reported in writing by the West Virginia Medical Professionals Health Program, Inc., that Mr. Schemenauer is not in compliance with his agreement as a participant in the West Virginia Medical Professionals Health Program, Inc., and Mr. Schemenauer shall immediately surrender his license to the Board in that event.

3. Mr. Schemenauer shall continue full cooperation as a participant in the West Virginia Medical Professionals Health Program, Inc.

4. Mr. Schemenauer will meet with the Physician Assistant Committee at its regular scheduled meeting in November, 2009, for a full discussion of his progress, health and well being, and any future licensure as a physician assistant.

5. Within five (5) days of entry of this Consent Order, Mr. Schemenauer shall provide a copy of this Order to any employer or health care or medical facility where Mr. Schemenauer seeks to practice as a licensed physician assistant.

The failure of Mr. Schemenauer to comply with any of the terms of this Consent Order, as determined by the Board, shall constitute grounds for further discipline of his licensure as a physician assistant in the State of West Virginia by this Board.

Dated this 20th day of November, 2008.

WEST VIRGINIA BOARD OF MEDICINE

John A. Wade, Jr., M.D.
President

Catherine Slemp, M.D., M.P.H.
Secretary

Stephen Schemenauer, P.A.-C.

Stephen Schemenauer PA-C

Date: 11/17/08

STATE OF OHIO

COUNTY OF WASHINGTON, to-wit:

I, BARBARA M NEVILLE, Notary Public for said county and state do hereby certify that STEPHEN SCHEMENAUER, P.A.-C., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 17TH day of NOVEMBER, 2008.

My Commission expires 4.14.2013.

NOTARY PUBLIC

BARABARA M. NEVILLE, Notary Public
In and For The State of Ohio
My Commission Expires 4.14.2013

State of West Virginia
Board of Medicine

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
www.wvdhhr.org/wvbom

JOHN A. WADE, JR., MD
PRESIDENT

CATHERINE SLEMP, MD, MPH
SECRETARY

J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

May 20, 2009

Stephen A. Schemenauer, P.A.-C.
26 Putnam Place
Marietta, Ohio 45750

Dear Mr. Schemenauer:

I am today in receipt of your wallet card evidencing physician assistant licensure in West Virginia, from P. Bradley Hall, M.D. As of today the Board of Medicine website shows your physician assistant license "expired." A copy of this letter will be attached to your November 20, 2008, Consent Order and will remain a part of the Consent Order.

On behalf of the Board of Medicine, I wish you well in your continued recovery. Best wishes to you.

Sincerely,

Robert C. Knittle

lab
pc: P. Bradley Hall, M.D.

STATE OF OHIO
THE STATE MEDICAL BOARD
REQUEST FOR WITHDRAWAL OF
APPLICATION FOR CERTIFICATE TO PRACTICE AS A PHYSICIAN ASSISTANT

I, Stephen August Schemenauer, hereby request that my pending application for a certificate to practice as a physician assistant in the State of Ohio be withdrawn.

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Sections 4730.25(B)(5), (B)(8) and (B)(18), Ohio Revised Code, based upon the following:

> I admit that on or about October 12, 2005, in Marietta, Ohio, I was convicted of Operating vehicle under the influence of alcohol or drugs, in violation of Section 4511.19(A)(1), Ohio Revised Code, and that on or about October 25, 2006, in Parkersburg, West Virginia, I was convicted of Driving under influence of alcohol, controlled substances or drugs, in violation of West Virginia code. I admit further that, on or about November 28, 2007, my license to practice as a physician assistant in the state of West Virginia was revoked by the West Virginia Board of Medicine [West Virginia Board] and conditions placed upon consideration of my reapplication in that state. I admit further that the action taken by the West Virginia Board was based upon acts including that I provided false answers with respect to the above-noted convictions in my application and in an interview with a Board member, and that I exhibited lack of candor during a discussion of the matter with the Physician Assistant Committee of the West Virginia Board. I further admit that I am presently impaired in my ability to practice according to acceptable and prevailing standards of care due to the habitual use or abuse of alcohol, for which I anticipate entering treatment on or about February 28, 2008, at a treatment facility approved by the Ohio Board.

I, Stephen August Schemenauer, agree that prior to again applying for a certificate to practice as a physician assistant, or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, I shall demonstrate to the satisfaction of the State Medical Board of Ohio [Board] that I can practice in accordance with acceptable and prevailing standards of care, with such demonstration to include: (1) certification from a treatment provider approved under Section 4731.25 of the Ohio Revised Code that, after the effective date of this Request for Withdrawal of Application, I have successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical dependence, as set forth in Rules 4731-16-02(B)(4)(a) and 4731-16-08(A)(13), Ohio Administrative Code, completed consecutively; and (2) evidence of continuing full compliance with a post-discharge

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FEB 28 2008

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aftercare contract with a treatment provider approved under Section 4731.25 of the Ohio Revised Code, and such evidence shall include, but not be limited to, a copy of the signed aftercare contract, which must comply with Rule 4731-16-10 of the Ohio Administrative Code.

Further, I understand that following any future application, the Board may require that I submit to additional evaluation(s) at my own expense at a Board-approved treatment provider.

Further, I, Stephen August Schemenauer, understand and agree that in the event that I again apply for a certificate to practice as a physician assistant, or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, the Board shall have full authority to investigate any and all matters pertinent to my application, including but not limited to, any treatment and/or recovery history, and I will authorize release of any and all treatment and monitoring records to the Board. In addition, I understand that the Board reserves the right to deny any such future application, as well the right to pursue disciplinary action against me, if it determines that it has a reason to pursue such measures as prescribed by Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code.

Further, I acknowledge that in the event that I again apply for a certificate to practice as a physician assistant in Ohio, or apply for issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, the Board may, based upon the violation of Sections 4730.25(B)(5), (B)(8) and (B)(18), Ohio Revised Code, as set forth above, or upon any other legal basis, deny my request for licensure or, if a license is granted to me at that time, place terms, conditions, and limitations on such license.

Further, I, Stephen August Schemenauer, acknowledge that in the event I again apply for a certificate to practice as a physician assistant, or apply for issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, the Board may require additional evidence of my present fitness to practice, to include requiring me to pass an oral or written exam, or both.

I, Stephen August Schemenauer, hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

It is understood and agreed that this Request for Withdrawal of Application 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, Stephen August Schemenauer, 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.

OHIO STATE MEDICAL BOARD

FEB 28 2008

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It is expressly understood that this Request for Withdrawal of Application 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.

STEPHEN AUGUST SCHEMENAUER

2/26/2008
DATE

LANCE A. TALMAGE, M.D.
Secretary

3-12-08
DATE

RAYMOND J. ALBERT
Supervising Member

3/12/08
DATE

KAREN MORTLAND
Enforcement Attorney

2/28/08
DATE

OHIO STATE MEDICAL BOARD

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