

STEP II
CONSENT AGREEMENT
BETWEEN
JONATHAN L. HAIMES, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO

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

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

BASIS FOR ACTION

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

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation(s) of Section 4731.22(B)(26), Ohio Revised Code, "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;" Section 4731.22(B)(10), Ohio Revised Code, "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;" Section 4731.22(B)(5), Ohio Revised Code, "[m]aking a false, fraudulent, deceptive, or misleading statement * * * in relation to the practice of medicine and surgery;" Section 4731.22(B)(6), Ohio Revised Code, "[a] departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;" Section 4731.22(B)(2), Ohio Revised Code, "[f]ailure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;" and/or Section 4731.22(B)(20), Ohio Revised Code, "[v]iolating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board."

- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Section 4731.22(B)(26), Ohio Revised Code, and Section 4731.22(B)(10), Ohio Revised Code, to wit: Possession of Drugs, Section 2925.11, Ohio Revised Code, Deception to Obtain a Dangerous Drug, Section 2925.22, Ohio Revised Code, Illegal Processing of Drug Documents, Section 2925.23, Ohio Revised Code, and Forgery, Section 2913.31, Ohio Revised Code, as set forth in Paragraph E of the Step I Consent Agreement Between Jonathan L. Haimes, M.D., and the State Medical Board of Ohio, effective April 11, 2007 [April 2007 Step I Consent Agreement], and as set forth in Paragraph E below; and in lieu of formal proceedings based upon violations of Section 4731.22(B)(5), Ohio Revised Code, and Section 4731.22(B)(20), Ohio Revised Code, to wit: Rules 4731-11-08 and 4731-11-02(D), Ohio Administrative Code, as set forth in Paragraph E of the April 2007 Step I Consent Agreement, and as set forth in Paragraph E below; and as pursuant to Rule 4731-11-02(F), Ohio Administrative Code, a violation of any provision of Rule 4731-11-02 constitutes a violation of Sections 4731.22(B)(2) and 4731.22(B)(6), Ohio Revised Code.

The Board expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement. Such express reservation includes, but is not limited to, violations related to patient care, regardless of whether the acts underlying such additional violations are related to the violations set forth herein; any violations beyond the particular acts specifically set forth in Paragraph E of the April 2007 Step I Consent Agreement, including but not limited to, any matters related to trafficking of drugs, aiding and abetting and/or complicity, even if such violations arise from the same common nucleus of operative facts as outlined within this Consent Agreement; and violations based on any methods used by Dr. Haimes to obtain controlled substances or drugs for self-use other than those particularly described in Paragraph E of the April 2007 Step I Consent Agreement.

- C. Dr. Haimes is seeking reinstatement of his certificate to practice medicine and surgery, license number 35.066575, which was permanently revoked with said permanent revocation being stayed, and said certificate being indefinitely suspended, but not less than 21 months, pursuant to the terms of the above-referenced April 2007 Step I Consent Agreement, a copy of which is attached hereto and incorporated herein.
- D. Dr. Haimes states that he is not licensed to practice in any other state or jurisdiction.
- E. Dr. Haimes admits that after entering residential treatment for chemical dependency on or about March 22, 2007, at The Cleveland Clinic Foundation [Cleveland Clinic], a Board-approved treatment provider in Cleveland, Ohio, he was discharged, treatment complete, on or about April 20, 2007. Dr. Haimes states, and the Board acknowledges receipt of information to support, that since being discharged from the

STATE MEDICAL BOARD

2007 MAY 12 AM 11:19

Cleveland Clinic, he has remained compliant with the treatment/aftercare contract he entered into on or about April 20, 2007, with the Cleveland Clinic, including attending and participating in at least three 12-step meetings per week, attending at least one aftercare meeting per week, and submitting to weekly random drug and alcohol testing. Dr. Haimes admits that the aforementioned treatment/aftercare contract remains in effect.

Dr. Haimes admits that after completing residential treatment in April 2007 at the Cleveland Clinic, he was charged with certain criminal offenses in connection with the methods he had previously used to obtain controlled substances or drugs for self-use. Dr. Haimes further admits that these charges were brought in or around October 2007, in the Warren County Common Pleas Court, Case No. 07CR24535, in Warren County, Ohio, and at that time he pled guilty to and was found guilty of Possession of Controlled Substances, in violation of Section 2925.11(A), Ohio Revised Code, and Deception to Obtain Dangerous Drugs, in violation of Section 2925.22, Ohio Revised Code. Dr. Haimes further admits that in or around November 2007 he was sentenced to three years of community control, ten days in jail, and his driver's license was suspended for six months. Dr. Haimes specifically attests that he has fully complied with all the terms of his probation.

Dr. Haimes further states, and the Board acknowledges receipt of information to support, that he successfully completed a course dealing with the prescribing of controlled substances, and a course on maintaining adequate and appropriate medical records, at the University of California, San Diego, School of Medicine, on or about January 19-21, 2009, and January 22-23, 2009, respectively.

Dr. Haimes states, and the Board acknowledges receipt of information to support, that he has been diagnosed with Depression and Post Traumatic Stress Disorder. Dr. Haimes further states that on a monthly basis he meets with his psychiatrist for medication management and sees his psychologist for counseling. Dr. Haimes further states, and the Board acknowledges receipt of information to support, that he is in compliance with his psychiatric/psychological treatment plan, including taking medications as prescribed and/or ordered for his psychiatric conditions.

Dr. Haimes further states, and the Board acknowledges receipt of information to support, that in or around July 2008 he went to the emergency room with severe pain in his neck and left upper extremity, localized in his hand. Dr. Haimes further states, and the Board acknowledges receipt of information to support, that he was subsequently diagnosed with herniated cervical discs. Dr. Haimes further states, and the Board acknowledges receipt of information to support, that his condition has slowly improved by utilizing a combination of epidurals, physical therapy, home traction, chiropractic adjustments, and medical management of a nightly low dose nortriptyline, tylenol, nonsteroidal anti-inflammatory medications and buprenorphine/naloxone. Dr. Haimes further states that he has also required

STATE MEDICAL BOARD
2009 MAY 12 AM 11:15

emergency room visits, at which he had received Toradol injections, for severe break through pain. Dr. Haimes further states, and the Board acknowledges receipt of information to support, that while he was first started on buprenorphine/naloxone for opiate dependence in March 2007 when he was in residential treatment at the Cleveland Clinic, that medication is now playing a significant role in the management of his diagnosis of radiculopathy from his cervical disc herniation disease.

Dr. Haimes states, and the Board acknowledges, that David W. Stroom, M.D., of the Cleveland Clinic, has provided a written report indicating that Dr. Haimes' ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care, so long as certain treatment and monitoring conditions are in place. Dr. Haimes further states, and the Board acknowledges receipt of information to support, that Dr. Stroom has opined that while Dr. Haimes was first started on buprenorphine/naloxone for opiate dependence in March 2007 when he was in residential treatment at the Cleveland Clinic, that medication is now playing a significant role in the management of his diagnosis of radiculopathy from his cervical disc herniation disease. Dr. Haimes further states, and the Board acknowledges receipt of information to support, that Dr. Stroom has indicated that buprenorphine/naloxone [Suboxone] does currently play some role in the management of Dr. Haimes' opiate dependence.

Dr. Haimes states, and the Board acknowledges, that Christopher Adeleman, M.D., Medical Director, Rosary Hall, St. Vincent Charity Hospital, a Board-approved treatment provider in Cleveland, Ohio, has provided a written report indicating that Dr. Haimes' ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care, so long as certain treatment and monitoring conditions are in place. Dr. Haimes further states, and the Board acknowledges, that Dr. Adelman has also indicated that Dr. Haimes should remain under monitoring by the Board for a minimum of one year after he terminates his use of Suboxone, and that during the monitoring period Dr. Haimes should take oral Naltrexone or receive monthly Vivitrol.

Accordingly, Dr. Haimes states, and the Board acknowledges receipt of information to support, that Dr. Haimes has fulfilled the conditions for reinstatement of his certificate to practice medicine and surgery in the State of Ohio, as established in the above-referenced April 2007 Step I Consent Agreement between Dr. Haimes and the Board. However, Dr. Haimes specifically acknowledges that pursuant to Rule 4731-16-16, Ohio Administrative Code, no individual licensed pursuant to Chapter 4731. of the Revised Code shall practice while receiving a controlled substance for the treatment of opioid dependence, and therefore, Dr. Haimes is prohibited from actively engaging in the practice of medicine and surgery unless and until he is no longer receiving a controlled substance related to opiate maintenance, as further set forth in Paragraph 14 below.

STATE MEDICAL BOARD
2009 MAY 12 AM 11:19

AGREED CONDITIONS

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

1. Dr. Haimes shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio, and all terms of probation imposed by the Court in criminal case number Case No. 07CR24535.
2. Dr. Haimes shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the date his quarterly declaration would have been due pursuant to his April 2007 Step I Consent Agreement with the Board, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Haimes shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place on the date his appearance would have been scheduled pursuant to his April 2007 Step I Consent Agreement with the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. Dr. Haimes 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 grant a waiver of part or all of the probationary terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Haimes resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Haimes may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Haimes is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.

STATE MEDICAL BOARD

2009 MAY 12 AM 11:19

5. In the event Dr. Haimes is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. Dr. Haimes shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, on the date upon which Dr. Haimes' quarterly declaration is due, or as otherwise directed by the Board. Further, Dr. Haimes shall make his patient records with regard to such prescribing available for review by an agent of the Board immediately upon request.

Dr. Haimes shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Haimes to administer or personally furnish controlled substances, Dr. Haimes shall keep a log of all controlled substances prescribed, administered or personally furnished. Such log shall be submitted in the format approved by the Board and shall be submitted to the Board no later than the date upon which Dr. Haimes' quarterly declaration is due, or as otherwise directed by the Board. Further, Dr. Haimes shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board immediately upon request.

Sobriety

8. Dr. Haimes 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 Dr. Haimes' history of chemical dependency and psychiatric diagnoses. Further, in the event that Dr. Haimes is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Dr. Haimes shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Dr. Haimes received; the medical purpose for which he received said drug; the date such drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date said drug is so prescribed, dispensed, or administered to him, Dr. Haimes 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.
9. Dr. Haimes shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Drug Testing Facility and Collection Site

10. Dr. Haimes shall submit to random urine screenings for drugs and alcohol at least two times per month, or as otherwise directed by the Board. Dr. Haimes 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 Dr. Haimes' drug(s) of choice.

Dr. Haimes shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen. Dr. Haimes acknowledges that he understands that the consumption or use of such substances, including but not limited to substances such as mouthwash or hand cleaning gel, may cause a positive drug screen that may not be able to be differentiated from intentional ingestion, and therefore such consumption or use is prohibited under this Consent Agreement.

All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site, except as provided in Paragraph 11 below, and the screening process shall require a daily call-in procedure.

Dr. Haimes shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Haimes 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 Consent Agreement. 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 Consent Agreement.

Further, within thirty days of the effective date of this Consent Agreement, Dr. Haimes shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug testing facility and/or collection site in order to facilitate the urine screening process in the manner required by this Consent Agreement. Further, Dr. Haimes shall promptly provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Haimes and the Board-approved drug testing facility and/or collection site. Dr. Haimes' 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 Consent Agreement. However, Dr. Haimes and the Board further agree that in the event Dr. Haimes previously entered into the aforementioned financial and contractual agreements pursuant to the requirements of a prior consent agreement with the Board under which Dr. Haimes is currently participating in an ongoing urine screening process, then this requirement shall be waived under the instant consent agreement.

STATE MEDICAL BOARD
2007 MAY 12 A 11:19

Dr. Haimes shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site 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, Dr. Haimes and the Board-approved drug testing facility and collection site shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Haimes shall ensure that the Board-approved drug testing facility and/or collection site 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 Consent Agreement, and whether all urine screens have been negative.

In the event that the Board-approved drug testing facility and/or collection site becomes unable or unwilling to serve as required by this Consent Agreement, Dr. Haimes must immediately notify the Board in writing, and make arrangements acceptable to the Board pursuant to Paragraph 11 below, as soon as practicable. Dr. Haimes shall further ensure that the Board-approved drug testing facility and/or collection site also notifies the Board directly of its inability to continue to serve and the reasons therefore.

Dr. Haimes acknowledges that the Board expressly reserves the right to withdraw its approval of any drug testing facility and/or collection site in the event that the Secretary and Supervising Member of the Board determine that the drug testing facility and/or collection site has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Further, in order to ensure that there will be no interruption in his current urine screening process, Dr. Haimes shall continue to provide random urine screenings for drugs and alcohol at least once per week to the Supervising Physician previously approved pursuant to the April 2007 Step I Consent Agreement until such time that Dr. Haimes has transitioned to the Board-approved drug testing facility and/or collection site as required pursuant to this Consent Agreement.

11. Dr. Haimes and the Board agree that it is the intent of this Consent Agreement that Dr. Haimes shall submit his urine specimens to the Board-approved drug testing facility and collection site chosen by the Board. However, in the event that utilizing said Board-approved drug testing facility and/or collection site creates an extraordinary hardship upon Dr. Haimes, as determined in the sole discretion of the Board, then subject to the following requirements, the Board may approve an alternate drug testing facility and/or collection site, or a supervising physician, to facilitate the urine screening process for Dr. Haimes:

STATE MEDICAL BOARD

2009 MAY 15 A 11:19

- a. Within thirty days of the date upon which Dr. Haimes is notified of the Board's determination that utilizing the Board-approved drug testing facility and/or collection site constitutes an extraordinary hardship upon Dr. Haimes, he shall submit to the Board in writing for its prior approval the identity of either an alternate drug testing facility and collection site, or the name of a proposed supervising physician, to whom Dr. Haimes 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 Dr. Haimes' residence or employment location, or to a physician who practices in the same locale as Dr. Haimes. Dr. Haimes shall ensure that the urine screening process performed through the alternate drug testing facility and/or collection site, 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, Dr. Haimes acknowledges that the alternate drug testing facility and collection site, or the supervising physician, shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.
- b. Dr. Haimes shall ensure that the alternate drug testing facility and/or collection site, 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 Consent Agreement, and whether all urine screens have been negative.
- c. In the event that the designated alternate drug testing facility and/or collection site, or the supervising physician, becomes unable or unwilling to so serve, Dr. Haimes must immediately notify the Board in writing. Dr. Haimes shall further ensure that the previously designated alternate drug testing facility and collection site, or the supervising physician, also notifies the Board directly of the inability to continue to serve and the reasons therefore. Further, in order to ensure that there will be no interruption in his urine screening process, upon the previously approved alternate drug testing facility, collection site, or supervising physician becoming unable to serve, Dr. Haimes shall immediately commence urine screening at the Board-approved drug testing facility and collection site chosen by the Board, until such time, if any, that the Board approves a subsequent alternate drug testing facility, collection site, or supervising physician, if requested by Dr. Haimes.
- d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Dr. Haimes' designated alternate drug testing facility and/or collection site, or any person proposed to serve as his supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of

STATE PHYSICAL BOARD
2009 MAY 12 AM 11:19

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.

12. All screening reports required under this Consent Agreement from the Board-approved drug testing facility and/or collection site, or from the alternate drug testing facility and/or collection site or supervising physician, must be received in the Board's offices no later than the due date for Dr. Haimes' quarterly declaration. It is Dr. Haimes' responsibility to ensure that reports are timely submitted.
13. The Board retains the right to require, and Dr. Haimes agrees to submit, blood, urine, breath, saliva and/or hair specimens for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Haimes, or for any other purpose, at Dr. Haimes' expense upon the Board's request and without prior notice. Dr. Haimes' refusal to submit a specimen upon 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 or Supervising Member of the Board.

Practice Prohibition

14. Before engaging in any medical practice, Dr. Haimes shall be in full compliance with Rule 4731-16-16, Ohio Administrative Code, which provides, in part, that no individual licensed pursuant to Chapter 4731. of the Revised Code shall practice while receiving a controlled substance for the treatment of opioid dependence. Dr. Haimes further agrees that before engaging in any medical practice, he shall submit written documentation acceptable to the Secretary and Supervising Member, as determined in their sole discretion, from the physician prescribing Dr. Haimes any controlled substance, in which said prescribing physician has opined with a reasonable degree of medical certainty that such controlled substance is being prescribed to Dr. Haimes exclusively for the treatment of pain, and is not being prescribed in any part for opiate maintenance; or alternatively, written documentation acceptable to the Secretary and Supervising Member, as determined in their sole discretion, which verifies that Dr. Haimes is no longer being prescribed any controlled substances. Any assessments and written documentation will be at Dr. Haimes' expense.

Dr. Haimes further agrees that for at least one year after he ceases taking controlled substances, he will take observed oral naltrexone or receive monthly Vivitrol. Dr. Haimes shall maintain treatment with ReVia/Vivitrol (naltrexone) as directed by his treatment team. Further, Dr. Haimes shall submit acceptable documentary evidence of continuing compliance with this provision which must be received in the Board's offices no later than the due date for Dr. Haimes' quarterly declarations.

STATE MEDICAL BOARD
JUL 11 AM 10:19

Following the first year of ReVia/Vivitrol (naltrexone) pursuant to this Consent Agreement, Dr. Haimes may request modification of this provision so long as his request is accompanied by written documentation from a physician affiliated with a Board-approved treatment provider indicating that such physician has assessed Dr. Haimes for purposes of determining whether Dr. Haimes continues to require ReVia/Vivitrol (naltrexone) treatment and that, based upon such assessment, the physician supports Dr. Haimes' request to modify or discontinue his ReVia/Vivitrol (naltrexone) treatment. Otherwise, Dr. Haimes shall make no request for modification of this provision unless the request is accompanied by written documentation from his treating physician and a physician affiliated with a Board-approved treatment provider indicating that such physicians have assessed Dr. Haimes and determined that discontinuation of ReVia/Vivitrol (naltrexone) treatment is medically warranted due to resultant negative health consequences. Any assessments and written documentation will be at Dr. Haimes' expense.

Mental Health Treatment

15. Within thirty days of the effective date of this Consent Agreement, Dr. Haimes shall submit to the Board for its prior approval the name and qualifications of a psychiatrist of his choice. Upon approval by the Board, Dr. Haimes shall undergo and continue psychiatric treatment, including individual psychotherapy, at least monthly, or as otherwise directed by the Board. Dr. Haimes shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered. Dr. Haimes shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the Board on a quarterly basis, or as otherwise directed by the Board. The psychiatric reports shall contain information describing Dr. Haimes' current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Haimes' compliance with his treatment plan; Dr. Haimes' mental status; Dr. Haimes' progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Haimes shall ensure that his treating psychiatrist immediately notifies the Board of his failure to comply with his psychiatric treatment plan and/or any determination that Dr. Haimes is unable to practice due to his psychiatric disorder. It is Dr. Haimes' responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Haimes' quarterly declaration.

The psychotherapy required as part of Dr. Haimes' psychiatric treatment pursuant to this paragraph may be delegated by Dr. Haimes' treating psychiatrist to an appropriately licensed mental health professional approved in advance by the Board, so long as Dr. Haimes' treating psychiatrist oversees/supervises such psychotherapy; includes information concerning Dr. Haimes' participation and progress in psychotherapy in his or her quarterly reports; and continues to meet personally with Dr. Haimes at least once every three months. Should the psychotherapy required

STATE MEDICAL BOARD

2009 MAY 12 AM 10:19

pursuant to this provision be delegated to a licensed mental health professional, Dr. Haimes shall ensure that psychotherapy reports are forwarded by his treating licensed mental health professional to the Board on a quarterly basis, or as otherwise directed by the Board. The psychotherapy reports shall contain information describing Dr. Haimes' current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Haimes' compliance with his treatment plan; Dr. Haimes' mental status; Dr. Haimes' progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Haimes shall ensure that his treating licensed mental health professional immediately notifies the Board of his failure to comply with his psychotherapy treatment plan and/or any determination that Dr. Haimes is unable to practice due to his psychiatric disorder. These psychotherapy reports shall be in addition to the reports submitted by Dr. Haimes' treating psychiatrist. It is Dr. Haimes' responsibility to ensure that all quarterly reports are received in the Board's offices no later than the due date for Dr. Haimes' quarterly declaration.

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

The Board expressly reserves the right to disapprove any psychiatrist proposed to serve as Dr. Haimes' designated treating psychiatrist and/or any licensed mental health professional proposed to serve as Dr. Haimes' designated treating licensed mental health professional, or to withdraw approval of any such psychiatrist or licensed mental health professional previously approved to serve as Dr. Haimes' designated treating psychiatrist or licensed mental health professional, in the event that the Secretary and Supervising Member of the Board determine that any such psychiatrist or licensed mental health professional has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Monitoring Physician

16. Before engaging in any medical practice, Dr. Haimes shall submit to the Board in writing the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an

STATE MEDICAL BOARD
2009 MAY 12 A 11:19

individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Haimes and who is engaged in the same or similar practice specialty.

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

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

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

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

Rehabilitation Program

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

Dr. Haimes 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 Dr. Haimes' quarterly declarations

Aftercare

STATE MEDICAL BOARD

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

Releases

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

Required Reporting by Licensee

21. Within thirty days of the effective date of this Consent Agreement, Dr. Haimes shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training, and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Haimes shall promptly provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. In the event that Dr. Haimes provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Haimes shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Haimes shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to

2009 MAY 12 A 11: 12

whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

22. Within thirty days of the effective date of this Consent Agreement, Dr. Haimes shall provide a copy of this Consent Agreement 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. Dr. Haimes further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license. Further, Dr. Haimes shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
23. Dr. Haimes shall promptly provide a copy of this Consent Agreement to all persons and entities that provide Dr. Haimes treatment or monitoring for his chemical dependency, mental health or any related conditions. Further, Dr. Haimes shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

24. Dr. Haimes shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

2009 MAY 12 A 11: 11

FAILURE TO COMPLY

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

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

DURATION/MODIFICATION OF TERMS

Dr. Haimes shall not request termination of this Consent Agreement for a minimum of five years from the date that Dr. Haimes returns to the active practice of medicine pursuant to resolution of the practice prohibition set forth in Paragraph 14 above. Dr. Haimes shall not request modification of Paragraph 14, except that Dr. Haimes may request modification of Paragraph 14 in the event that the Board revises or rescinds Rule 4731-16-16, Ohio Administrative Code; however any such modification shall be strictly limited to the extent necessary to harmonize Paragraph 14 with any such change to the aforementioned administrative rule. Further, Dr. Haimes shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

In the event that the Board initiates future formal proceedings against Dr. Haimes, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

ACKNOWLEDGMENTS/LIABILITY RELEASE

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

Any action initiated by the Board based on alleged violations of this Consent Agreement shall

comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

2009 MAY 12 AM 10:18


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

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

EFFECTIVE DATE

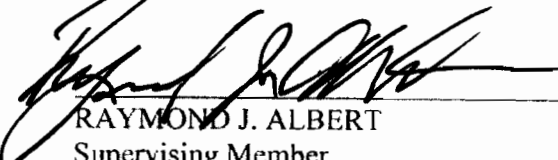
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.


JONATHAN L. HAIMES, M.D.


LANCE A. TALMAGE, M.D.
Secretary

5-11-09
DATE

5-13-09
DATE


RAYMOND J. ALBERT
Supervising Member

5/13/09
DATE

STEP II CONSENT AGREEMENT
JONATHAN L. HAIMES, M.D.
PAGE 18

STATE MEDICAL BOARD

2009 MAY 12 A 11 18

Mark R. Blackmer

MARK R. BLACKMER
Enforcement Attorney

May 12, 2009
DATE

**STEP 1
CONSENT AGREEMENT
BETWEEN
JONATHAN L. HAIMES, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO**

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

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

BASIS FOR ACTION

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

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation(s) of Section 4731.22(B)(26), Ohio Revised Code, "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; Section 4731.22(B)(10), Ohio Revised Code, "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;" Section 4731.22(B)(5), Ohio Revised Code, "[m]aking a false, fraudulent, deceptive, or misleading statement * * * in relation to the practice of medicine and surgery;" Section 4731.22(B)(6), Ohio Revised Code, "[a] departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;" Section 4731.22(B)(2), Ohio Revised Code, "[f]ailure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;" and/or Section 4731.22(B)(20), Ohio Revised Code, "[v]iolating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board."

OHIO STATE MEDICAL BOARD

APR 11 2007

RECEIVED

- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraph E below; Section 4731.22(B)(10), Ohio Revised Code, to wit: Possession of Drugs, Section 2925.11, Ohio Revised Code, Deception to Obtain a Dangerous Drug, Section 2925.22, Ohio Revised Code, Illegal Processing of Drug Documents, Section 2925.23, Ohio Revised Code, and Forgery, Section 2913.31, Ohio Revised Code, as set forth in Paragraph E below; Section 4731.22(B)(5), Ohio Revised Code, as set forth in Paragraph E below; and Section 4731.22(B)(20), Ohio Revised Code, to wit: Rules 4731-11-08 and 4731-11-02(D), Ohio Administrative Code, as set forth in Paragraph E below; and as pursuant to Rule 4731-11-02(F), Ohio Administrative Code, a violation of any provision of Rule 4731-11-02 constitutes a violation of Sections 4731.22(B)(2) and 4731.22(B)(6), Ohio Revised Code, Sections 4731.22(B)(2) and 4731.22(B)(6), Ohio Revised Code.

The Board expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731, of the Revised Code, whether occurring before or after the effective date of this Agreement. Such express reservation includes, but is not limited to, violations related to patient care, regardless of whether the acts underlying such additional violations are related to the violations set forth herein; any violations beyond the particular acts specifically set forth in Paragraph E below, including but not limited to, any matters related to trafficking of drugs, aiding and abetting and/or complicity, even if such violations arise from the same common nucleus of operative facts as outlined within this Consent Agreement; and violations based on any methods used by Dr. Haimes to obtain controlled substances or drugs for self-use other than those particularly described in Paragraph E below.

- C. Dr. Haimes is licensed to practice medicine and surgery in the State of Ohio, License # 35-066575.
- D. Dr. Haimes states that he is not licensed to practice medicine and surgery in any other state or jurisdiction.
- E. Dr. Haimes admits that he is chemically dependent and that he has inappropriately obtained controlled substances for his own use. Dr. Haimes further states that law enforcement officials executed a search warrant at his office and a Board investigator questioned him on or about March 14, 2007. On or about March 21, 2007, Dr. Haimes admits that he entered The Cleveland Clinic Foundation [Cleveland Clinic], a Board-approved treatment provider in Cleveland, Ohio, on or about March 21, 2007, and that such treatment remains ongoing at this time. Dr. Haimes further admits that he is currently impaired in his ability to practice medicine according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of drugs.

Dr. Haimes admits that his drugs of choice are Fentanyl patches, oxycodone and hydrocodone, and that he began using Percocet in or about late 2004 related to severe

OHIO STATE MEDICAL BOARD

APR 11 2007

headaches. Dr. Haimes states he had been prescribed Percocet by his treating physician, but he started using that medication before his headaches became severe, and he then became addicted and had withdrawal symptoms when he did not take the medication. Dr. Haimes admits that he subsequently began abusing Fentanyl patches, oxycodone and hydrocodone. Dr. Haimes further admits that he obtained controlled substances for self-use exclusively through the following methods: Dr. Haimes obtained Percocet from his treating physician; Dr. Haimes issued prescriptions for Fentanyl patches, oxycodone and hydrocodone using the names of or a variation of the names of actual and fictional patients, and identifying himself as the prescribing physician; Dr. Haimes fraudulently authored prescriptions using his own name or the name of a family member as the patient, and forged another physician's signature as the prescribing physician without that physician's knowledge or consent; Dr. Haimes issued prescriptions for controlled substances in the name of his live-in girlfriend (who qualifies as a "family member" under Rule 4731-11-08(C), Ohio Administrative Code) as the patient, identified himself as the prescribing physician, and ingested some of the controlled substances he had prescribed to her; and Dr. Haimes ingested controlled substances that he had prescribed to patients, the unused portion of which was returned to him for intended disposal. Dr. Haimes specifically denies obtaining any controlled substances for self-use by any other methods and attests that, other than as described above, he never directly or indirectly involved patients in any of his efforts to obtain controlled substances for self-use. Dr. Haimes further specifically attests that, other than as specifically described above, he never directly or indirectly involved other individuals in any of his efforts to obtain controlled substances for self-use. Dr. Haimes further admits that he has learned representatives of law enforcement are investigating matters related to his drug seeking behavior.

Dr. Haimes further admits that when he was interviewed by law enforcement officials and a Board investigator on or about March 14, 2007, he falsely provided negative answers to questions asking whether he was in a sexual relationship with a woman who was living with him. Dr. Haimes admits that, in fact, he was involved in a sexual relationship with that woman; he had prescribed controlled substances to her; and he did not maintain an accurate patient chart for her. Dr. Haimes represents that he has attempted and been unable to locate her patient chart.

AGREED CONDITIONS

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

PERMANENT REVOCATION, STAYED; SUSPENSION OF CERTIFICATE

1. The certificate of Dr. Haimes to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such permanent revocation is STAYED, and Dr.

OHIO STATE MEDICAL BOARD

APR 11 2007

Haimes' certificate shall be SUSPENDED for an indefinite period of time, but not less than 21 months.

Sobriety

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

Releases; Quarterly Declarations and Appearances

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

Drug & Alcohol Screens; Supervising Physician

OHIO STATE MEDICAL BOARD

APR 11 2007

RECEIVED

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

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

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

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

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

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

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

Rehabilitation Program

OHIO STATE MEDICAL BOARD

APR 11 2007

RECEIVED

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

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

CONDITIONS FOR REINSTATEMENT

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

OHIO STATE MEDICAL BOARD

APR 11 2007

has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Haimes, and any conditions, restrictions, or limitations that should be imposed on Dr. Haimes' practice. The reports shall also describe the basis for the evaluator's determinations.

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

- c. Dr. Haimes shall provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances, and a course on maintaining adequate and appropriate medical records. The exact number of hours and the specific content of the courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for licensure renewal for the Continuing Medical Education acquisition period(s) in which they are completed.

In addition, at the time Dr. Haimes submits the documentation of successful completion of the course dealing with the prescribing of controlled substances, and the course on maintaining adequate and appropriate medical records, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine and surgery in the future.

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

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

OHIO STATE MEDICAL BOARD

APR 11 2007

11. In the event that Dr. Haimes has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Haimes' fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

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

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

FAILURE TO COMPLY

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

ACKNOWLEDGMENTS/LIABILITY RELEASE

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

OHIO STATE MEDICAL BOARD

APR 11 2007

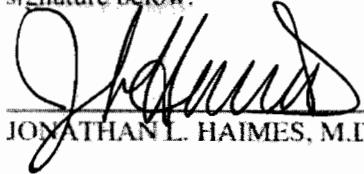
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

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

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

EFFECTIVE DATE

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


JONATHAN L. HAIMES, M.D.


LANCE A. TALMAGE, M.D.
Secretary

4-10-07
DATE


4-11-07
DATE


CAROLE SCHWARTZ RENDON
Attorney for Dr. Haimes


RAYMOND J. ALBERT
Supervising Member

Richard D. Grant (0072772)
April 10, 2007
DATE

4/11/07
DATE


MARK R. BLACKMER
Enforcement Attorney

April 11, 2007
DATE

OHIO STATE MEDICAL BOARD

APR 11 2007