

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

:

MICHAEL ALAN STOCKTON, D.O. :

ENTRY OF ORDER

On May 28, 2009, Michael Alan Stockton, D.O., executed a Surrender of his license to practice osteopathic medicine and surgery in Ohio with consent to revocation, which document is attached hereto and fully incorporated herein.

Wherefore, upon ratification by the Board of the surrender, it is hereby ORDERED that Certificate No. 34-005358 authorizing Michael Alan Stockton, D.O., to practice osteopathic medicine and surgery in the state of Ohio be permanently REVOKED, effective June 10, 2009.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 10th day of June 2009, and the original thereof shall be kept with said Journal.

(SEAL)



Lance A. Talmage, M.D.
Secretary

June 10, 2009
Date

STATE MEDICAL BOARD

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

I, Michael Alan Stockton, D.O., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, Michael Alan Stockton, D.O., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice osteopathic medicine and surgery, License Number 34.005358, to the State Medical Board of Ohio [Board], thereby relinquishing all rights to practice osteopathic medicine and surgery in Ohio.

I understand that as a result of the surrender herein I am no longer permitted to practice osteopathic medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement or restoration of certificate to practice osteopathic medicine and surgery, License Number 34.005358, or issuance of any other certificate pursuant to the authority of the State Medical Board of Ohio, on or after the date of signing this Surrender of Certificate to Practice Osteopathic Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice osteopathic medicine and surgery, License Number 34.005358, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice osteopathic medicine and surgery.

I, Michael Alan Stockton, D.O., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. I, Michael Alan Stockton, D.O.,

Surrender of Certificate
Michael Alan Stockton, D.O.

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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.

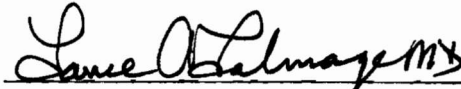
I stipulate and agree that I am taking the action described herein in lieu of further investigation of a possible violation of Section 4731.22(B)(19), Ohio Revised Code, related to a physical condition which has rendered me incapable of practicing osteopathic medicine and surgery.

EFFECTIVE DATE

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





MICHAEL ALAN STOCKTON, D.O.



LANCE A. TALMAGE, M.D.
Secretary

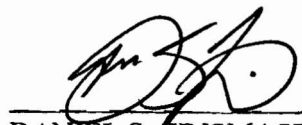
May 28th, 2009
DATE

6-10-09
DATE


JOHN H. HIX, JR., ESQ.
Attorney for Dr. Stockton
RAYMOND J. ALBERT
Supervising Member

May 28, 2009
DATE

6/10/09
DATE


DANIEL S. ZINSMASTER, ESQ.
Enforcement Attorney

6/8/2009
DATE

**CONSENT AGREEMENT
BETWEEN
MICHAEL ALAN STOCKTON, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between MICHAEL ALAN STOCKTON, D.O., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

MICHAEL ALAN STOCKTON, D.O., 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.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO, is empowered by Section 4731.22(B)(2), 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 failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease."
- B. THE STATE MEDICAL BOARD OF OHIO is further empowered by Section 4731.22(B)(26), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."
- C. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(2) and (26), Ohio Revised Code, as set forth in Paragraphs E, F and G below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- D. MICHAEL ALAN STOCKTON, D.O., is licensed to practice osteopathic medicine and surgery in the State of Ohio.

STATE MEDICAL BOARD
OF OHIO

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- E. MICHAEL ALAN STOCKTON, D.O., ADMITS that on May 5, 1997, pursuant to an order from the State Medical Board of Ohio, under Sections 4731.22(B)(19) and (26), Ohio Revised Code, he reported for an evaluation by Thomas H. Pepper, M.D., at Talbot Recovery Services of Park Medical Center, a Board approved treatment provider in Columbus, Ohio.

DOCTOR STOCKTON further ADMITS that the order for the evaluation was based upon his history of treatment for depression, use of controlled substances, and self-prescribing of controlled substances and dangerous drugs during 1990-1991, and from 1994-1995.

- F. DOCTOR STOCKTON further ADMITS that during the Board's investigation of the aforementioned matters in 1991, he wrote a letter to the Board stating that he would refrain from self-prescribing in the future, and would only obtain prescriptions from a physician who was following his medical conditions.

DOCTOR STOCKTON further ADMITS that, despite his statements in 1991, he again self-prescribed in 1994 and 1995.

- G. DOCTOR STOCKTON further ADMITS that the results of Dr. Pepper's evaluation were that he "suffers from character-driven drug misuse, not chemical dependency per se, and that he is uneducated and ill informed regarding the use and abuse of prescription drugs."

DOCTOR STOCKTON further ADMITS that Dr. Pepper's recommendation was that the Board implement a system of formal monitoring under a Consent Agreement to ensure that DOCTOR STOCKTON is able to adhere to a self-imposed abstinence from both writing prescriptions and taking any mind-altering substances. The recommended provisions for the Consent Agreement include total abstinence from all mood-altering chemicals, involvement of the Ohio Physicians Effectiveness Program, urine screening, attendance at Caduceus and twelve-step meetings, and education regarding the rules and regulations for prescription writing.

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Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, MICHAEL ALAN STOCKTON, D.O., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following PROBATIONARY terms, conditions and limitations:

1. DOCTOR STOCKTON shall obey all federal, state and local laws, and all rules governing the practice of osteopathic medicine in Ohio;

2. DOCTOR STOCKTON shall submit quarterly declarations under penalty of BOARD disciplinary action 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 the consent agreement becomes effective, provided that if the effective date is on or after the 16th 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;
3. DOCTOR STOCKTON shall appear in person for quarterly interviews before the BOARD or its designated representative, 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. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR STOCKTON written notification of scheduled appearances, it is DOCTOR STOCKTON's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR STOCKTON shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

4. In the event that DOCTOR STOCKTON should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR STOCKTON must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed;
5. In the event DOCTOR STOCKTON 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 the CONSENT AGREEMENT;

6. DOCTOR STOCKTON shall keep a log of all controlled substances prescribed, dispensed or administered. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR STOCKTON's personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD;
7. DOCTOR STOCKTON 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 DOCTOR STOCKTON's history of self-prescribing and drug misuse;
8. DOCTOR STOCKTON shall abstain completely from the use of alcohol;
9. DOCTOR STOCKTON shall submit to urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR STOCKTON 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;

Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR STOCKTON shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR STOCKTON shall submit the required urine specimens. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results;

DOCTOR STOCKTON shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, 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 responsibilities;

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR STOCKTON must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR STOCKTON shall further ensure that the previously designated supervising physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefor;

All screening reports and supervising physician reports required under this paragraph must be received in the BOARD's offices no later than the due

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date for DOCTOR STOCKTON's quarterly declaration. It is DOCTOR STOCKTON's responsibility to ensure that reports are timely submitted;

10. The BOARD retains the right to require, and DOCTOR STOCKTON agrees to submit, blood or urine specimens for analysis at DOCTOR STOCKTON's expense upon the BOARD's request and without prior notice. DOCTOR STOCKTON's refusal to submit a blood or urine specimen upon request of the BOARD shall result in a minimum of one year of actual license suspension;
11. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR STOCKTON shall submit for the BOARD's prior approval the name of a monitoring physician, who shall monitor DOCTOR STOCKTON and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR STOCKTON shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR STOCKTON must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR STOCKTON shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefor;

All monitoring physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR STOCKTON's quarterly declaration. It is DOCTOR STOCKTON's responsibility to ensure that reports are timely submitted;

12. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR STOCKTON shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, no less than three (3) times per week. Substitution of any other specific program must receive prior BOARD approval;

DOCTOR STOCKTON shall submit with each quarterly declaration required under Paragraph 2 of this CONSENT AGREEMENT acceptable documentary evidence of continuing compliance with this program;

13. DOCTOR STOCKTON shall contact an appropriate impaired physicians committee, approved by the BOARD, to arrange for assistance in complying with the recommendations of his evaluation;
14. DOCTOR STOCKTON shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the BOARD, to treating and monitoring physicians, and to others

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involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations;

15. DOCTOR STOCKTON shall take and pass an examination on the DEA manual;
16. DOCTOR STOCKTON shall successfully complete the *Intensive Course on Controlled Substance Management* offered by Ted Parran, M.D., at Case Western University in Cleveland, Ohio;
17. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR STOCKTON shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR STOCKTON shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the chief of staff at each hospital where he applies for or obtains privileges or appointments; and,
18. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR STOCKTON 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 a license to practice. DOCTOR STOCKTON 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 licensure or reinstatement of licensure. Further, DOCTOR STOCKTON shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.
19. Any violation of Paragraph 7 or Paragraph 8 of this Agreement shall constitute grounds to revoke or permanently revoke DOCTOR STOCKTON's certificate. DOCTOR STOCKTON agrees that the minimum discipline for such a violation shall include actual license suspension. This paragraph does not limit the BOARD's authority to suspend, revoke or permanently revoke DOCTOR STOCKTON's certificate based on other violations of this Consent Agreement.
20. DOCTOR STOCKTON AGREES that if any declaration or report required by this agreement is not received in the BOARD'S offices on or before its due date, DOCTOR STOCKTON shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until

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the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

21. DOCTOR STOCKTON AGREES that if, without prior permission from the BOARD, he fails to submit to random screenings for drugs and alcohol at least as frequently as required by Paragraph 9 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the violation and shall refrain from practicing for thirty (30) days for the first instance of a single missed screen. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.
22. DOCTOR STOCKTON AGREES that if he fails to participate in an alcohol and drug rehabilitation program at least as frequently as required by Paragraph 12 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the violation, and shall refrain from practicing for fifteen (15) days following a first missed meeting. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

This CONSENT AGREEMENT shall remain in force for a minimum of five (5) years prior to any request for termination of said CONSENT AGREEMENT. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR STOCKTON 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 Agreement.

If the Secretary and Supervising Member of the BOARD determine that there is clear and convincing evidence that DOCTOR STOCKTON has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR STOCKTON 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(D), Ohio Revised Code.

DOCTOR STOCKTON 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.

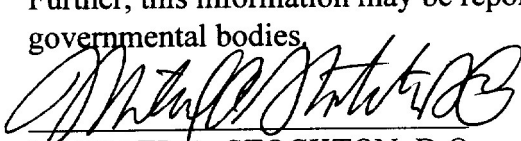
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Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

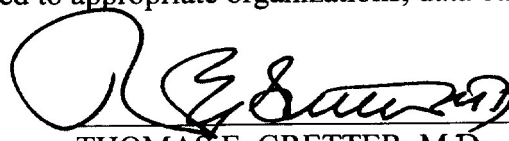
DOCTOR STOCKTON hereby releases THE STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. 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 that it shall become effective upon the last date of signature below.

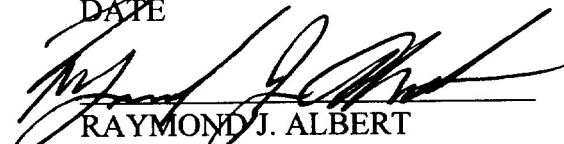
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MICHAEL A. STOCKTON, D.O.

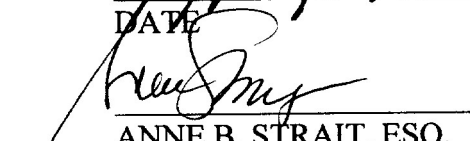
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THOMAS E. GRETTTER, M.D.
Secretary

11/12/97
DATE


RAYMOND J. ALBERT
Supervising Member

11/12/97
DATE


ANNE B. STRAIT, ESQ.
Assistant Attorney General

11/12/97
Date

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