

**CONSENT AGREEMENT
BETWEEN
WILLIAM GERALD BESAW, M.T.
AND
THE STATE MEDICAL BOARD OF OHIO
09 CRF-013**

This Consent Agreement is entered into by and between William Gerald BeSaw, M.T., [Mr. BeSaw], and the State Medical Board of Ohio ["Board"], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Mr. BeSaw 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 R.C. 4731.22(B), 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 any of the enumerated violations.
- B. The Board and Mr. BeSaw enter into this Consent Agreement in lieu of further formal proceedings based upon the allegations set forth in the Notice of Opportunity for Hearing issued on February 11, 2009, attached hereto as Exhibit A and incorporated herein by this reference. The Board expressly reserves the right to institute additional formal proceedings based upon any other violations of R.C. Chapter 4731., whether occurring before or after the effective date of this Consent Agreement.
- C. Mr. BeSaw is licensed to practice massage therapy in the State of Ohio, License 33.003860, which is inactive for nonrenewal.
- D. Mr. BeSaw submitted to the Board an application for restoration of his certificate to practice massage therapy on or around June 2008. That application is still pending.
- E. Mr. BeSaw admits to the factual and legal allegations as set forth in the February 11, 2009, Notice of Opportunity for Hearing.

William Gerald BeSaw
Consent Agreement
Page 2 of 5

AGREED CONDITIONS

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

REVOCAION, STAYED; INDEFINITE SUSPENSION

1. **REVOCAION, STAYED; SUSPENSION:** The certificate of William Gerald BeSaw to practice massage therapy in the State of Ohio shall be REVOKED. Such revocation is STAYED, and Mr. BeSaw's certificate shall be SUSPENDED for an indefinite period of time, but not less than ninety (90) days.

CONDITIONS FOR RESTORATION

2. The Board shall not consider restoration of Mr. BeSaw's certificate to practice massage therapy until all of the following conditions are met:
 - a. Mr. BeSaw shall take and pass the basic science and limited branch portions of the massage therapy licensing examination or other examination as approved by the Board;
 - b. Mr. BeSaw shall update his application for restoration, originally submitted in June 2008, as directed by the Board.

PROBATION

3. Upon restoration, Mr. BeSaw's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:

Personal Appearances

- a. Mr. BeSaw shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Mr. BeSaw's certificate is restored or as otherwise directed by the Board. Mr. BeSaw shall also appear upon his request for termination of the probationary period and/or as otherwise requested by the Board.

Obey the Law

- b. Mr. BeSaw shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.

William Gerald BeSaw
Consent Agreement
Page 3 of 5

Quarterly Declarations of Compliance

- c. Mr. BeSaw 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 or before the first day of the third month following the month in which Mr. BeSaw's certificate is restored. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

REQUIRED REPORTING BY LICENSEE

4. Within thirty days of the effective date of this Consent Agreement, Mr. BeSaw shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide massage therapy services (including but not limited to third party payors). Further, Mr. BeSaw shall promptly provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide massage therapy services. Further, Mr. BeSaw 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.
5. Within thirty days of the effective date of this Consent Agreement, Mr. BeSaw 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 through which he currently holds any license or certificate. Mr. BeSaw 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, Mr. BeSaw 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

William Gerald BeSaw
Consent Agreement
Page 4 of 5

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.

6. Mr. BeSaw shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Mr. BeSaw 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.

DURATION/MODIFICATION OF TERMS

Mr. BeSaw shall not request termination of this Consent Agreement for a minimum of three years following restoration of his certificate. In addition, Mr. BeSaw 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 Mr. BeSaw, 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

Mr. BeSaw 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.

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

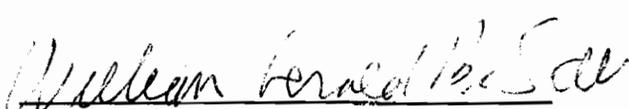
This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Mr. BeSaw acknowledges that his social

William Gerald BeSaw
Consent Agreement
Page 5 of 5

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.


WILLIAM GERALD BESAW


LANCIE A. TALMAGE, M.D.
Secretary, State Medical Board of Ohio

8-28-09
DATE

9-9-09
DATE


RAYMOND J. ALBERT
Supervising Member, State Medical Board
of Ohio


KYLE C. WILCOX
Assistant Attorney General

9/9/09
DATE

8-31-09
DATE



State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

February 11, 2009

Case number: 09-CRF- 013

William Gerald BeSaw
1170 Old W. Henderson Rd., #204
Columbus, OH 43220

Dear Mr. BeSaw:

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

- (1) In or around June 2008, the Board received your Application for Massage Therapy Restoration, which is currently pending. Your certificate to practice massage therapy had expired on or about August 31, 2001.
- (2) Despite the expiration of your certificate to practice massage therapy on or about August 31, 2001, you practiced massage therapy as that term is defined by Rule 4731-1-05, Ohio Administrative Code, from on or about August 31, 2001, to in or around 2008.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 4731.41, Ohio Revised Code, Practicing Medicine (or any of its Branches) Without Certificate. Pursuant to Section 4731.99(A), Ohio Revised Code, violation of Section 4731.41, Ohio Revised Code, constitutes a felony offense.

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

Mailed 2-12-09

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

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

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D. *RW*
Secretary

LAT/MRB/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3066 6979
RETURN RECEIPT REQUESTED

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

February 11, 2009

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Copies of the applicable sections are enclosed for your information.

Very truly yours,

Handwritten signature of Lance A. Talmage, M.D. in black ink, with a stylized 'RW' monogram to the right.

Lance A. Talmage, M.D.
Secretary

LAT/MRB/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3066 6979
RETURN RECEIPT REQUESTED