



State Medical Board of Ohio

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

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Executive Director

(614) 466-3934
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December 9, 2009

Robert T. McKinney, M.T.
1220 Noe-Bixby Road
Columbus, OH 43232

RE: 09-CRF-018

Dear Mr. McKinney:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on December 9, 2009.

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

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

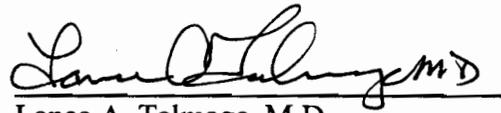
CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3936 3068 1880
RETURN RECEIPT REQUESTED

Mailed 12-10-09

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on December 9, 2009, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Robert T. McKinney, M.T., Case Number 09-CRF-018, as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.


Lance A. Talmage, M.D.
Secretary

(SEAL)

December 9, 2009

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
 :
 : Case No. 09-CRF-018
 :
 ROBERT T. MCKINNEY, M.T. :

FINDINGS, ORDER AND JOURNAL ENTRY

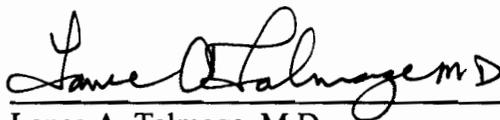
This matter came on for consideration before the State Medical Board of Ohio on December 9, 2009, pursuant to a Notice of Opportunity for Hearing issued to Robert T. McKinney, M.T., on February 11, 2009. No request for hearing having been received within the statutorily mandated time period, Hearing Examiner Patricia A. Davidson, Esq., on behalf of the Board, reviewed and summarized evidence supporting the Notice, and prepared Proposed Findings and a Proposed Order.

WHEREFORE, having reviewed Ms. Davidson's Proposed Findings and Proposed Order, which is attached hereto and incorporated herein, the Board hereby adopts the Proposed Findings and Proposed Order.

Accordingly, it is hereby ORDERED that:

The certificate of Robert T. McKinney, M.T., to practice massage therapy in the State of Ohio is PERMANENTLY REVOKED.

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



Lance A. Talmage, M.D.
Secretary

(SEAL)

December 9, 2009

Date

2009 NOV 10 PM 3:40

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 09-CRF-018

Robert T. McKinney, M.T.,

*

Hearing Examiner Davidson

Respondent.

*

PROPOSED FINDINGS AND PROPOSED ORDER

Basis for the Review

Notice of Opportunity for Hearing: In a notice of opportunity dated February 11, 2009 [Notice], the State Medical Board of Ohio notified Robert T. McKinney, M.T., that it intended to consider whether to take disciplinary action against his certificate to practice massage therapy. The Board's proposed action was based on allegations including that, although Mr. McKinney has held only a certificate to practice massage therapy in Ohio and does not hold a certificate to practice any type of medicine or surgery in Ohio, he has repeatedly represented himself to be a doctor. (Exhibit 1A)

Among other things, the Board alleged that Mr. McKinney resurrected a defunct corporation called Central States College of Physiatrics, which he then renamed as Central States College of Health Sciences [Central States], and then caused that organization to issue him the degree of Doctor of Mechanotherapy and the degree of Doctor of Naturopathic Medicine. The Board also alleged that Mr. McKinney signed these degree certificates, on behalf of Central States, as "Dr. Robert T. McKinney, DM, NMD." Further, the Board alleged that Mr. McKinney presented himself as a Doctor of Naturopathy or a Doctor of Naturopathic Medicine, among other representations and actions alleged in the Notice. (Ex. 1A)

The Board charged, among other things, that Mr. McKinney's acts, conduct, or omissions constitute "[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," as that language is used in R.C. 4731.22(B)(20), with reference to violation of R.C. 4731.34 and Ohio Administrative Code Section [Rule] 4731-1-02. (The Board cited the rule and statutes in effect at different times, because the alleged conduct spanned many years.)

The Board notified Mr. McKinney that he was entitled to a hearing if requested in writing within 30 days of the Notice's mailing. (Exhibit 1A)

No Request for Hearing: On February 12, 2009, the Board mailed the Notice by certified mail, return receipt requested, to Mr. McKinney at his most recent address of record, and also mailed the Notice to Mr. McKinney's attorney by certified mail. Documents from the U.S. Postal Service show that the Notice was delivered to Mr. McKinney on February 20, 2009, and delivered to his attorney on February 23, 2009. The Board's Public Services Administrator attested in a sworn affidavit signed May 6, 2009, that the Board had not received a hearing request from Mr. McKinney. (Exs. 1, 1A)

Board's Request for Proposed Findings and Proposed Order. In a memorandum dated May 7, 2009, the Public Services Administrator requested that the Hearing Unit review the evidence, as provided, and prepare Proposed Findings and a Proposed Order. (Ex. 4)

Evidence Examined:

Exhibit 1: Affidavit of Barbara Jacobs, Public Services Administrator for the Board, signed May 6, 2009, attesting that, as of that date, the Board had not received a hearing request from Mr. McKinney.

Exhibit 1A: Documents maintained by the Board regarding Mr. McKinney, including the Notice and attachments/enclosures, with documentation of delivery by the U.S. Postal Service.

Exhibit 2: Affidavit of Debra Jones, Continuing Medical Education and Renewal Officer of the Board, confirming Mr. McKinney's address of record, and stating that Mr. McKinney holds only a certificate to practice massage therapy and does not hold any other license or certificate issued by the Board.

Exhibit 3: Affidavit of Cheryl Pokorny, Enforcement Attorney for the Board, attaching documents maintained by the Board regarding Mr. McKinney.

Exhibit 3A: The Board's interrogatories to Mr. McKinney.

Exhibit 3B: Letter from Mr. McKinney's counsel, requesting additional time to answer the interrogatories.

Exhibit 3C: The Board's letter granting additional time to answer the Interrogatories.

Exhibit 3D: Mr. McKinney's answers to the Board's interrogatories, with attached documents.

Exhibit 3E: Transcript of Mr. McKinney's deposition on September 18, 2008,¹ with Deposition Exhibits as follows:

- Deposition Exhibit 1 – Certificate to solemnize marriages in Ohio issued to Robert T. McKinney (November 1995).
- Deposition Exhibit 2 - Certificate of ordination to Robert T. McKinney from the Universal Life Church (October 1995).
- Deposition Exhibit 3 - Certificate from the Oklevueha Native American Church of Sanpete designating Robert McKinney as a Medicine Man (2003).
- Deposition Exhibit 4 - Certificate from "The Ohio Board of Naturopathic Examiners" that Robert T. McKinney has met all the requirements for registration with that Board (September 1995).

¹The deposition transcript was reviewed in its entirety, although only a few portions of testimony are described in this report.

- Deposition Exhibit 5 - Documents showing that Robert T. McKinney and two other persons in June 1995 incorporated an organization called The Ohio Board of Naturopathic Examiners, Inc. In addition, the corporation's officers filed documents in 1995, 2000, and 2005 with the Ohio Secretary of State ("Secretary of State").
- Deposition Exhibit 6 - Document styled as an award of the degree of Doctor of Naturopathic Medicine to "Robert Terry McKinney" from the Central States College of Health Sciences in August 1995. On behalf of Central States, the document was signed by "Dr. Robert T. McKinney, D.M., N.M.D." as the President of Central States. The document was also signed by "Dr. Robert T. McKinney, D.M., N.M.D." as the Chairman of Central States.
- Deposition Exhibit 7 - Publication by Central States College of Health Sciences, School of Naturopathic Medicine, consisting of a catalog with information regarding the school's history, curriculum, course descriptions, faculty, and other topics. An introductory message includes the following:

President's Message

Robert T. McKinney
Doctor of Naturopathic Medicine

Greetings:

To all present, prospective, and future Student Doctors of Naturopathic Medicine. * * * "No army on earth is as powerful as an idea whose time has come." This is definitely true of Naturopathic Medicine. Our time has come! Naturopathic Medicine will be the primary health care of the 21st century!

* * * Naturopathic Physicians are specialists in natural medicine and world leaders in the prevention of disease! * * *

The goal of Central States College of Health Sciences and Naturopathic Medicine is to assist with the healing of our planet and all humankind.

* * * If you aspire to becoming a Naturopathic Physician and assisting with healing our planet, come join us at Central States College of Health Sciences and take that first step into the 21st century with us!

* * *

Robert T. McKinney, N.M.D. [handwritten signature]

Robert T. McKinney, N.M.D.

- Deposition Exhibit 8 - Documents maintained by the Secretary of State regarding a change of corporation name in April 1995 from "The Central States College of Physiatics, Inc." to "The Central States College of Health Sciences, Inc."
- Deposition Exhibit 9 - Application to the Secretary of State submitted by Robert T. McKinney seeking reinstatement of a corporation, Central States College of Physiatics, a non-profit corporation whose articles of incorporation were cancelled in June 1970.

- Deposition Exhibit 10 - Documents maintained by the Secretary of State including a certificate of amendment of the articles of incorporation of Central States College of Physiatrics, signed by Mr. McKinney in December 1994 as Chairman of the Board.
- Deposition Exhibit 11 – Mr. McKinney’s responses to the Board’s first set of interrogatories directed to him.
- Deposition Exhibit 12 – The opinion of the Franklin County Court of Appeals in *Central States College of Health Sciences, Inc. v. Ohio Board of Regents*, Case No. 06AP-35 (10th District Ohio, Feb. 8, 2007).
- Deposition Exhibit 13 – Printout in September 2008 from the Central States website at <http://centralstatescollege.com/CSC/president-message.htm>. The heading at the top of the page states: “Central States College of Health Sciences, Naturopathic Medicine, Integrative Medicine, Integrative Health Studies.” The subheading is “School of Naturopathic Medicine, President’s Message,” followed by the text of the President’s Message.
- Deposition Exhibit 14 - Printout in July 2005 from the Central States website at [http://centralstatescollege.com/CSC/academic% 20information.htm](http://centralstatescollege.com/CSC/academic%20information.htm). The heading is the same as in Deposition Exhibit 13. Near the top of the page, the term “naturopathic medical practice” is explained as follows:

The Naturopathic physician is a primary care provider, trained in preventive medicine through Naturopathic therapeutics.

The Naturopathic physician is trained in conventional medical sciences, utilizing the same laboratory and diagnostic techniques, examination and assessment criteria, but are specialists in the use of Natural and preventative [sic] medicine.

In addition, Deposition Exhibit 14 includes a page from the Central States website displaying the following information:

1. Doctor of Naturopathic Medicine program (NMD)²

2. Integrative Naturopathic Medical Training Program (NMD)

*** Candidates *** can receive advanced placement, allowing the *doctor of naturopathic medicine* (N.M.D.) degree program to be completed in 5 quarters (15 months). *** (Emphasis added)

²During his deposition, when asked whether he had ever used the letters “NMD” to mean “Doctor of Naturopathic Medicine,” Mr. McKinney answered, “No. Not that I’m aware of.” (Depo. Tr. at 85) In his interrogatory answers, Mr. McKinney stated, when asked what the letters NMD mean in conjunction with his name, that the letters meant “Naturopathic Medicine Degree.” (Ex. 3D) However, during his deposition, Mr. McKinney refused to tell the meaning of the letters NMD after his name in various documents, and he refused to explain the meaning of the titles “Doctor of Naturopathy” and/or “Doctor of Naturopathic Medicine” used in conjunction with his name. (Exhibit 3E) The Hearing Examiner, upon review of the transcript and all the evidence, reached the conclusion that the statements/answers by Mr. McKinney, as quoted in this note, are not credible.

- Deposition Exhibit 15 - Printout in July 2005 from the Central States website at <http://centralstatescollege.com/CSC/faculty-old.htm>, listing the faculty and including the following:

Robert T. McKinney
D.M., N.M.D. - Central States College of Health Sciences, 1994

- Deposition Exhibit 16 - Printout in September 2008 from the Central States website at <http://centralstatescollege.com/CSC/NMD-program.htm>. The page includes the following statements:

Doctor of Naturopathic Medicine (N.M.D.) Program

Central States College of Health Sciences is authorized by charter from the State of Ohio to confer the degree of Doctor of Naturopathic Medicine (N.M.D.) The Doctor of Naturopathic Medicine (N.M.D.) degree is granted and conferred upon candidates * * * .

- Deposition Exhibit 17 - Printout in September 2008 from the Central States website at <http://centralstatescollege.com/CSC/about.htm>, regarding accreditation. This page includes a statement that Central States is a non-profit organization, as well as the following:

Central States College, chartered in 1939 by the state of Ohio to operate as a legal, degree-granting institution, an[d] authorized by charter to grant the degrees of Doctor of Naturopathy (N.D.) and Doctor of Naturopathic Medicine (N.M.D.) * * * .

- Deposition Exhibit 18 – Copy of a business card for “Robert T. McKinney, N.M.D.,” identified as the President of the “Central States College of Health Sciences • Integrative Medicine.”
- Deposition Exhibit 19 – Certificate from the Spinal Orthopathic Syndesmobilization Therapy Institute, conferring the title of Spinal Syndesmobilization Therapist upon “Robert T. McKinney, M.T., D.M., N.M.D.,” after Mr. McKinney had completed a course of study. (Mr. McKinney testified during his deposition that he took this course as continuing education and that the course was approved by the Medical Board for continuing education in massage therapy. Transcript at 93-94.)
- Deposition Exhibit 20 – Advertisement for the McKinney Health Clinics in Columbus and Delaware, Ohio, offering naturopathic health care of the body, mind and emotions by “Robert T. McKinney, N.M.D.” and another individual, who are both identified as “Doctors of Naturopathy.”
- Deposition Exhibit 21 – Certificate from the Ohio Academy of Mechanotherapy and Naturopathic Medicine, Inc., stating that “Dr. Robert T. McKinney, D.M.” was an active member in good standing as of July 27, 1994. The certificate was signed by “Robert T. McKinney, D.M.” as the Vice President of that organization.

- Deposition Exhibit 22 – Certificate from the National Guild of Hypnotists to “Dr. Robert T. McKinney” stating that he is a member in good standing in 1995 and that the certificate expires in June 1996.
- Deposition Exhibit 23 - Certificate from the American Board of Hypnotherapy to “Dr. Robert T. McKinney” stating that he is a certified hypnotherapist and that the certificate expires in May 1996.
- Deposition Exhibit 24 – Certificate from the American Naturopathic Medical Association in March 1995 stating that “Dr. Robert T. McKinney” is a member.
- Deposition Exhibit 25 – Certificate from the National Guild of Hypnotists in June 1995 stating that “Dr. Robert T. McKinney” is a certified hypnotherapist.
- Deposition Exhibit 26 – Letter from Mr. McKinney’s attorney, Benjamin W. Ogg, to the Board’s Executive Director regarding actions taken by a Board investigator.
- Deposition Exhibit 27 – Letter from Mr. McKinney’s attorney, Timothy S. Rankin, to the Board’s President regarding the conduct of the Board’s Executive Director and stating that Mr. McKinney refused to attend an investigative conference.
- Deposition Exhibit 28 - Document styled as an award of the degree of Doctor of Mechanotherapy by Central States College of Health Sciences to Robert Terry McKinney. The document is signed by “Dr. Robert T. McKinney, D.M., N.M.D.,” as the President of Central States. The document is also signed by “Dr. Robert T. McKinney, D.M., N.M.D.” as the Chairman of Central States.
- Deposition Exhibit 29 – Articles of incorporation for the Ohio State College of Physiatriic Medicine (1939), established to provide “graduate and undergraduate instruction in physiatriic medicine, and naturopathy,” and “to confer the professional degree of ‘Doctor’ and the title ‘Physician’, in the branch for which its graduates qualify* * *.”
- Deposition Exhibit 30 – Certificate of amendment to the articles of incorporation, changing the name of the Ohio State College of Physiatriic Medicine to the Central States College of Physiatriics, and amending the purpose to establishing and maintaining “a teaching and research institution for graduate and under-graduate instruction in physiatriics, recognized in Ohio as ‘mechanotherapy’ under Sec. 1274-5 G.C., Ohio [General Code of Ohio]; to confer upon graduates seeking Ohio registration to practice, the professional degree of ‘Doctor of Mechanotherapy’, and upon those seeking registration in other states the professional degree of ‘Doctor of Naturopathy’ * * *. The amendment was filed in 1939.³

³In its opinion in *Central States College of Health Sciences, Inc. v. Ohio Board of Regents*, Case No. 06AP-35 (10th District, Ohio Court of Appeals, Feb. 8, 2007), the court of appeals provided history and background, noting among other things that Central States College of Physiatriics had been approved at one time by the Medical Board to provide instruction in a limited branch of medicine. However, in 1962, the Board denied re-approval and ordered that students be transferred to another school. In compliance with the Board’s order, Central States College of Physiatriics ceased operation in 1962. In 1970, it cancelled its articles of incorporation. The court of appeals further stated that, in 1994, Robert McKinney resurrected the corporate charter and changed the name to Central States College of Health Sciences. Prior to that time, Mr. McKinney had no involvement with the school. The court indicated that Central States brought the legal action against the Board of Regents because that board had informed Central States that it lacked the appropriate certification to confer collegiate degrees.

- Deposition Exhibit 31 – Program guide, Health & Life Enrichment Expo (1995).
- Deposition Exhibit 32 - Speaker biographies for the Health & Life Enrichment Expo, including a biography for “Robert McKinney, D.M., N.M.D.,” and referring to him as “Dr. McKinney.”

Exhibit 4: Memorandum dated May 7, 2009, from the Board’s Public Services Administrator, requesting a report of Proposed Findings and a Proposed Order.

Ohio Law

As set forth in the Ohio Revised Code, the State of Ohio does not currently license naprapaths and mechanotherapists, although it formerly did so. However, pursuant to R.C. 4731.151, naprapaths and mechanotherapists who were licensed prior to March 2, 1992, may continue to practice, as follows:

4731.151 Grandfather provisions for naprapaths and mechanotherapists

- (A) Naprapaths who received a certificate to practice from the board prior to March 2, 1992, may continue to practice naprapathy, as defined in rules adopted by the board. Such naprapaths shall practice in accordance with rules adopted by the board.
- (B) (1) As used in this division
- (a) “Mechanotherapy” means all of the following:
 - (i) Examining patients by verbal inquiry;
 - (ii) Examination of the musculoskeletal system by hand;
 - (iii) Visual inspection and observation;
 - (iv) Diagnosing a patient’s condition only as to whether the patient has a disorder of the musculoskeletal system;
 - (v) In the treatment of patients, employing the techniques of advised or supervised exercise; electrical neuromuscular stimulation; massage or manipulation; or air, water, heat, cold, sound, or infrared ray therapy only to those disorders of the musculoskeletal system that are amenable to treatment by such techniques and that are identifiable by examination performed in accordance with division (B)(1)(a)(i) of this section and diagnosable in accordance with division (B)(1)(a)(ii) of this section.
 - (b) “Educational requirements” means the completion of a course of study appropriate for certification to practice mechanotherapy on or before November 3, 1985, as determined by rules adopted under this chapter.
- (2) Mechanotherapists who received a certificate to practice from the board prior to March 2, 1992, may continue to practice mechanotherapy, as defined in rules adopted by the board. Such mechanotherapists shall practice in accordance with rules adopted by the board.

A person authorized by this division to practice as a mechanotherapist may examine, diagnose, and assume responsibility for the care of patients with due regard for first aid

and the hygienic and nutritional care of the patients. Roentgen rays shall be used by a mechanotherapist only for diagnostic purposes.

(3) A person who holds a certificate to practice mechanotherapy and completed educational requirements in mechanotherapy on or before November 3, 1985, is entitled to use the title “doctor of mechanotherapy” and is a “physician” who performs “medical services” for the purposes of Chapters 4121 and 4123 of the Revised Code [regarding workers’ compensation] and the program established under section 5111.01 of the Revised Code [regarding Medicaid], and shall receive payment or reimbursement as provided under those chapters and that section.

In the present action, the Board, in its Notice, alleged violations of R.C. 4731.34. The current version has been in effect since April 10, 2001, and provides as follows:

4731.34 Unauthorized practice

(A) A person shall be regarded as practicing medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, within the meaning of this chapter, who does any of the following:

- (1) Uses the words or letters, “Dr.,” “Doctor,” “M.D.,” “physician,” “D.O.,” “D.P.M.,” or any other title in connection with the person’s name in any way that represents the person as engaged in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, in any of its branches;
- (2) Advertises, solicits, or represents in any way that the person is practicing medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, in any of its branches;
- (3) In person or, regardless of the person’s location, through the use of any communication, including oral, written, or electronic communication, does any of the following:
 - (a) Examines or diagnoses for compensation of any kind, direct or indirect;
 - (b) Prescribes, advises, recommends, administers, or dispenses for compensation of any kind, direct or indirect, a drug or medicine, appliance, mold or cast, application, operation, or treatment, of whatever nature, for the cure or relief of a wound, fracture or bodily injury, infirmity, or disease.

(B) The treatment of human ills through prayer alone by a practitioner of the Christian Science church, in accordance with the tenets and creed of such church, shall not be regarded as the practice of medicine, provided that sanitary and public health laws shall be complied with, no practices shall be used that may be dangerous or detrimental to life or health, and no person shall be denied the benefits of accepted medical and surgical practices.

(C) The use of words, letters, or titles in any connection or under any circumstances as to induce the belief that the person who uses them is engaged in the practice of

medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, in any of its branches, is prima-facie evidence of the intent of such person to represent the person as engaged in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, in any of its branches.

In its Notice, the Board also cited Section (“Rule”) 4731-1-03 of the Ohio Administrative Code, which provides as follows:⁴

4731-1-03 General prohibitions.

(A) No person holding a certificate to practice a limited branch of medicine shall perform or hold himself or herself out as able to perform surgery, or any other act which involves a piercing or puncturing of the skin or membranous tissues of the human body unless specifically permitted under Chapter 4731. of the Revised Code or this chapter of the Administrative Code. This rule does not prohibit a licensed cosmetic therapist with appropriate training from removing an ingrown hair.

(B) No person holding a certificate to practice a limited branch of medicine shall prescribe, dispense or administer any drug or medicine.

(C) Except as is specifically permitted under the rules defining the scope of a limited branch of medicine, no person holding such a certificate shall diagnose or treat infectious, contagious or venereal diseases, or any wound, fracture or bodily injury, infirmity, or disease.

(D) The designation “Dr.” or “Doctor” shall not precede the name of the limited practitioner. No person holding a certificate to practice a limited branch of medicine shall employ, or cause to be employed, the designation “Dr.” or “Doctor” without also qualifying such designation by the name or an abbreviation of the limited branch for which the person holds a certificate. The appropriate designation must follow the name of the limited practitioner (e.g., “John Doe, Doctor of Mechanotherapy” or “John Doe, D.M.”) and may be employed or caused to be employed by the limited practitioner only if the limited practitioner has received a degree granting such a title from a school legally empowered to grant the degree.

(E) No person holding a certificate to practice a limited branch of medicine shall employ, or cause to be employed, the designation “Physician” or “Surgeon” no matter how qualified or how employed in combination with other language.

(F) No person holding a certificate to practice any limited branch or branches of medicine shall hold himself or herself out as holding a certificate in or as being able to practice any limited branch of medicine for which that person does not hold a certificate.

⁴ Superseded versions of this rule and the quoted statutes are provided in Exhibit 1A.

(G) No person holding a certificate to practice any limited branch or branches of medicine shall conduct such practice under any name or title, either as an individual, company or concern, that is misleading.

HISTORY: Effective 11-4-75, 10-15-77, 6-17-91, 6-30-01.

Further, in this action the Board has cited R.C. 4731.22(B)(20), which currently provides in pertinent part:

4731.22 Disciplinary actions.

* * *

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

* * *

(20) Except when civil penalties are imposed under section 4731.225 or 4731.281 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating 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.

* * *

Proposed Findings

1. On July 20, 1983, the State Medical Board of Ohio [Board] granted to Robert T. McKinney a certificate to practice massage therapy in Ohio. At no time has Mr. McKinney held or been issued a certificate from the Board to practice allopathic medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. Further, at no time has the Board issued to Mr. McKinney a certificate to practice as a naprapath or mechanotherapist.

Proposed Finding 1 is supported by the following evidence: Exs. 2, 3D, 3E. See, also, Ohio eLicense Center at <<https://license.ohio.gov/lookup/default.asp?division=78>>, query for "McKinney, Robert T" (October 23, 2009), which shows that the Board has issued only one certificate to the Respondent, certificate number 33-004296 to practice massage therapy.

2. In 1994, Mr. McKinney applied to the Ohio Secretary of State ("Secretary of State") to reinstate the Articles of Incorporation of Central States College of Physiatics, a non-profit corporation whose Articles of Incorporation had been canceled in June 1970. In April 1995, Mr. McKinney, as Chairman of the Board of Central States College of Physiatics, submitted or caused to be submitted to the Secretary of State a Certificate of Amendment to Articles of Central States College of Physiatics, which resulted in a change of the school's name to The Central States College of Health Sciences, Inc. ("Central States").

Proposed Finding 2 is supported by the following evidence: Exhibit 3E (deposition transcript and deposition exhibits), including transcript at pages 67-72.

3. On or about August 26, 1995, Mr. McKinney issued or caused to be issued to himself a document styled as a degree of *Doctor of Mechanotherapy* purportedly awarded by Central States, which he signed as President of Central States and also signed as its Chairman. Both before and after receiving this document, Mr. McKinney represented himself as a doctor of mechanotherapy, including but not limited to the following:
 - a. On the above-described document that Mr. McKinney issued or caused to be issued to himself, he signed his name as “Dr. Robert T. McKinney, DM, NMD.”
 - b. In July 1994, Mr. McKinney issued or caused to be issued to himself a certificate from an entity called The Ohio Academy of Mechanotherapy and Naturopathic Medicine, Inc., in which he was identified as “Dr. Robert T. McKinney, D.M.” and which he also signed as vice-president of that entity, writing “Robert T. McKinney, D.M.”
 - c. On or about July 2, 1997, Mr. McKinney received a certificate from the Spinal Orthopathic Syndesmobilization Therapy Institute, issued to “Robert T. McKinney, M.T., D.M., N.M.D.”
 - d. During the operation of Central States, and while Mr. McKinney was President of it, Central States maintained a website. Included in that website was a list of the Central States faculty, and Mr. McKinney was listed as a faculty member and identified as “Robert T. McKinney, D.M., N.M.D. - Central States College of Health Sciences, 1994.”

Proposed Finding 3 is supported by the following evidence: Exhibits 3D and 3E (consisting of Mr. McKinney’s answers to interrogatories and his deposition testimony, along with the attachments to the interrogatories and the exhibits to the deposition).

4. On or about August 26, 1995, Mr. McKinney issued or caused to be issued to himself a document styled as a degree of *Doctor of Naturopathic Medicine* awarded by Central States, which he signed as the President of Central States and also signed as its Chairman. Both before and after receiving this document, Mr. McKinney represented himself as being a doctor of naturopathy or doctor of naturopathic medicine, including but not limited to the following:
 - a. On this above-described document, Mr. McKinney signed his name as “Dr. Robert T. McKinney, DM, NMD.”
 - b. As President of Central States, Mr. McKinney wrote and/or assisted in writing the President’s Message that was included in a catalog regarding Central States. In this President’s Message, Mr. McKinney identified himself as “Robert T. McKinney, Doctor of Naturopathic Medicine,” and he signed his name as “Robert T. McKinney, N.M.D.” This same President’s Message from Mr. McKinney was included in Central States’ website, without the signature.

- c. During the operation of Central States, and while Mr. McKinney was President of it, Central States maintained a website. Included in that website was a list of the faculty of Central States, on which Mr. McKinney was listed as a faculty member and specifically identified as “Robert T. McKinney D.M., N.M.D. - Central States College of Health Sciences, 1994.”
- d. While serving as President of Central States, Mr. McKinney identified himself on his business card as “Robert T. McKinney, N.M.D.”
- e. Mr. McKinney operated businesses in Columbus, Ohio, and Delaware, Ohio, beginning in the late 1980’s or early 1990’s and continuing through the early or mid-1990’s. He called these businesses “McKinney Health Clinics” and identified himself as “Robert T. McKinney, N.M.D.,” one of the two “Doctors of Naturopathy” at the clinics.
- f. On or about March 1, 1995, Mr. McKinney joined an organization called the American Naturopathic Medical Association. The certificate issued to him on March 1, 1995 identified him as “Dr. Robert T. McKinney.”
- g. On or about July 2, 1997, Mr. McKinney received a certificate from the Spinal Orthopathic Syndesmobilization Therapy Institute, which was issued in the name of “Robert T. McKinney, M.T., D.M., N.M.D.” The certificate reflects that it had been issued upon completion of a course he had taken. Mr. McKinney stated that the course had been approved by the Board for continuing education of massage therapists and that he had taken the course for continuing education. However, the evidence is insufficient to establish that Mr. McKinney had taken the course “to earn hours toward the continuing education courses *required* for massage therapists,” as alleged in the Notice (emphasis added).

Proposed Finding 4 is supported by: Exhibits 3D and 3E (consisting of Mr. McKinney’s answers to interrogatories and his deposition testimony, along with the attachments to the interrogatories and the exhibits to the deposition).

- 5. Mr. McKinney has joined organizations and issued or caused to be issued certificates to himself in his name that identify him as “Dr.” He has also taken classes, seminars and/or courses of instruction, and, at the completion of these programs, he has issued or caused to be issued certificates to himself in his name that identify him as “Dr.” and/or that he has signed as “Dr.” These include but are not limited to the following:
 - a. In May 1996, the American Board of Hypnotherapy issued a certificate to Mr. McKinney, identifying him as a Certified Hypnotherapist and referring to him as “Dr. Robert T. McKinney.”
 - b. In June 1995, the National Guild of Hypnotists issued a certificate to him, identifying him as a Certified Hypnotherapist and referring to him as “Dr. Robert T. McKinney.”
 - c. In 1995, the National Guild of Hypnotists issued a certificate to him, identifying him as a Certified Hypnotherapist Member in Good Standing, and referring to him as “Dr. Robert T. McKinney.”

- d. In August 1995, Mr. McKinney issued or caused to be issued to himself a document purportedly from Central States and identified as a Doctor of Mechanotherapy degree. On this certificate, Mr. McKinney signed his name as “Dr. Robert T. McKinney, DM, NMD.”
- e. In July 1994, Mr. McKinney issued or caused to be issued to himself a certificate from an entity called The Ohio Academy of Mechanotherapy and Naturopathic Medicine, Inc., in which he was identified as “Dr. Robert T. McKinney, D.M.”
- f. In August 1995, Mr. McKinney issued or caused to be issued to himself a document identified as a Doctor of Naturopathic Medicine degree from Central States. He signed this document as the President and Chairman of Central States, signing his name as “Dr. Robert T. McKinney, DM, NMD.”
- g. In 1995, Mr. McKinney joined an organization called the American Naturopathic Medical Association. The certificate issued to him, dated March 1, 1995, identified him as “Dr. Robert T. McKinney.”

Proposed Finding 5 is supported by the following evidence: Exhibits 3D and 3E (consisting of Mr. McKinney’s answers to interrogatories and his deposition testimony, along with the attachments to the interrogatories and the exhibits to the deposition).

- 6. During a deposition on September 18, 2008, Mr. McKinney was questioned by an attorney for the Board. Mr. McKinney was represented by counsel and declined to answer a number of questions, invoking his constitutional right against self-incrimination under the fifth amendment. In response to certain questions, he did not admit or deny certain matters but simply refused to answer.

For example, Mr. McKinney refused to state the meaning of the initials “DM” that follow his name on the documents described above in Proposed Findings 3a, 3b, 3c, 3d and 4g. Likewise, Mr. McKinney refused to state the meaning of “NMD” following his name on his business card and on the faculty list of Central States, as described in Proposed Findings 4c and 4d. With respect to the document described in Proposed Finding 4a, Mr. McKinney identified his signature but refused to state the meaning of the initials “NMD” following his name.

With respect to the President’s Message in the Central States catalog, Mr. McKinney refused to explain the meaning of the phrase “Doctor of Naturopathic Medicine” following his name (Proposed Finding 4b). Mr. McKinney also refused to state the meaning of the phrase “Doctor of Naturopathy” that follows his name on the advertisement referenced in Proposed Finding 4e.

Proposed Finding 6 is supported by the following evidence: Exhibit 3E, consisting of Mr. McKinney’s deposition testimony and exhibits to the deposition.

- 7. Mr. McKinney’s acts, conduct, and/or omissions as set forth above in Proposed Findings 1 and 4e, individually and/or collectively, constitute “[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,” as that language is used in R.C. 4731.22(B)(20) as in effect prior to March 27, 1991, with reference to: R.C. 4731.34 as in effect prior to September 10, 1996, and Ohio Admin. Code Section [Rule] 4731-1-02 as in effect prior to June 17, 1991.

8. Mr. McKinney's acts, conduct, and/or omissions as set forth above in Proposed Findings 1 and 4e, individually and/or collectively, constitute "violating 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," as that language is used in R.C. 4731.22(B)(20) as in effect prior to March 27, 1991, with reference to: R.C. 4731.34 as in effect prior to September 10, 1996, and Rule 4731-1-03 as in effect prior to June 30, 2001.
9. Mr. McKinney's acts, conduct, and/or omissions as set forth above in Proposed Findings 1 and 4e, individually and/or collectively, constitute "violating 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," as that language is used in R.C. 4731.22(B)(20) as in effect prior to January 14, 1993, with reference to: R.C. 4731.34 as in effect prior to September 10, 1996, and Rule 4731-1-03 as in effect prior to June 30, 2001.
10. Mr. McKinney's acts, conduct, and/or omissions as set forth above in Proposed Findings 1 and 4e, individually and/or collectively, constitute "[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," as that language is used in R.C. 4731.22(B)(20) as in effect prior to March 15, 1993, with reference to: R.C. 4731.34 as in effect prior to September 10, 1996, and Rule 4731-1-03 as in effect prior to June 30, 2001.
11. Mr. McKinney's acts, conduct, and/or omissions as set forth above in Proposed Findings 1, 3b, 4e, and 5e, individually and/or collectively, constitute "violating 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," as that language is used in R.C. 4731.22(B)(20) as in effect prior to October 20, 1994, with reference to: R.C. 4731.34 as in effect prior to September 10, 1996, and Rule 4731-1-03 as in effect prior to June 30, 2001.
12. Mr. McKinney's acts, conduct, and/or omissions as set forth above in Proposed Findings 1, 3a, 3b, 3d, 4a through 4d, 4f, 5a, and 5c through 5g, individually and/or collectively, constitute "violating 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," as that language is used in R.C. 4731.22(B)(20) as in effect prior to September 29, 1997, with reference to: R.C. 4731.34 as in effect prior to September 10, 1996, and Rule 4731-1-03 as in effect prior to June 30, 2001.
13. Mr. McKinney's acts, conduct, and/or omissions as set forth above in Proposed Findings 1, 3, 4a through 4d, 4f through 4g, and 5, individually and/or collectively, constitute "violating 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," as that language is used in R.C. 4731.22(B)(20) as in effect prior to September 29, 1997, with reference to: R.C. 4731.34 as in effect prior to April 10, 2001, and Rule 4731-1-03 as in effect prior to June 30, 2001.

14. Mr. McKinney's acts, conduct, and/or omissions as set forth above in Proposed Findings 1, 3, 4a through 4d, 4f through 4g, and 5, individually and/or collectively, constitute "violating 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," as that language is used in R.C. 4731.22(B)(20) as in effect prior to April 10, 1998, with reference to: R.C. 4731.34 as in effect prior to April 10, 2001, and Rule 4731-1-03 as in effect prior to June 30, 2001.
15. Mr. McKinney's acts, conduct, and/or omissions as set forth in Proposed Findings 1, 3, 4a through 4d, 4f through 4g, and 5 above, individually and/or collectively, constitute "violating 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," as that language is used in R.C. 4731.22(B)(20) as in effect prior to March 9, 1999, with reference to: R.C. 4731.34 as in effect prior to April 10, 2001, and Rule 4731-1-03 as in effect prior to June 30, 2001.
16. Mr. McKinney's acts, conduct, and/or omissions as set forth above in Proposed Findings 1, 3, 4a through 4d, 4f through 4g, and 5, individually and/or collectively, constitute "violating 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," as that language is used in R.C. 4731.22(B)(20), with reference to: R.C. 4731.34 as in effect prior to April 10, 2001, and Rule 4731-1-03 as in effect prior to June 30, 2001.
17. Mr. McKinney's acts, conduct, and/or omissions as set forth above in Proposed Findings 1, 3, 4a through 4d, 4f through 4g, and 5, individually and/or collectively, constitute "violating 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," as that language is used in R.C. 4731.22(B)(20), with reference to: R.C. 4731.34 and Rule 4731-1-03 as in effect prior to June 30, 2001.
18. Mr. McKinney's acts, conduct, and/or omissions as set forth above in Proposed Findings 1, 3, 4a through 4d, 4f through 4g, and 5, individually and/or collectively, constitute "violating 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," as that language is used in R.C. 4731.22(B)(20) with reference to: R.C. 4731.34 and Rule 4731-1-03.

Discussion

Mr. McKinney has repeatedly violated Ohio law and misrepresented his status. A permanent revocation of his certificate to practice massage therapy in Ohio is warranted. This proposed order does not depend on the sum of all the above-stated violations, considered cumulatively. On the contrary, even if only a fraction of the stated violations were found, Mr. McKinney's misconduct would nonetheless justify a permanent revocation.

In reaching this conclusion, the Hearing Examiner in no way rejects the value of preventive care or the merit of exploring natural, holistic methods of healing by dedicated individuals working within the law. In this case, however, Mr. McKinney presents an unacceptable risk to the public in Ohio.

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Robert T. McKinney, M.T., to practice massage therapy in the State of Ohio is PERMANENTLY REVOKED.

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



Patricia A. Davidson
Hearing Examiner

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- **018**

Robert T. McKinney, M.T.
1220 Noe-Bixby Road
Columbus, Ohio 43232

Dear Mr. McKinney:

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) On or about July 20, 1983, you were granted a certificate to practice massage therapy in Ohio. At no time have you ever held or been issued a certificate to practice allopathic medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery from the State Medical Board of Ohio. Further, at no time have you ever held or been issued a certificate to practice as a naprapath or mechanotherapist from the State Medical Board of Ohio.
- (2) In or around 1994, you applied to the Ohio Secretary of State to reinstate the Articles of Incorporation of Central States College of Physiatics, a non profit corporation, whose Articles of Incorporation had been canceled on or about June 30, 1970. As chairman of the Board of Central States College of Physiatics, on or about April 21, 1995, you submitted or caused to be submitted to the Ohio Secretary of State a Certificate of Amendment to Articles of Central States College of Physiatics that resulted in a change of the school's name to The Central States College of Health Sciences, Inc. [Central States].
- (3) On or about August 26, 1995, you issued or caused to be issued to yourself a document purportedly from Central States and identified as a Doctor of Mechanotherapy degree, which you signed as President and Chairman of Central States. Since receiving this document, and also before receiving it, you have represented yourself as a doctor of mechanotherapy, including but not limited to the following:

Mailed 2-12-09

- (a) On the certificate you issued or caused to be issued to you by Central States, you signed your name as “Dr. Robert T. McKinney, DM, NMD.” Although you identified a signature on the certificate as your own, you refused to answer questions posed to you by a Board representative as to the meaning of the initials “DM” that follow your name.
 - (b) In or around July 1994, you issued or caused to be issued to yourself a certificate from an organization or entity called The Ohio Academy of Mechanotherapy and Naturopathic Medicine, Inc., in which you were identified as “Dr. Robert T. McKinney, D.M.,” and which you also signed as vice-president of the organization, writing “Robert T. McKinney, D.M.” Although you identified a signature on the certificate as your own on or about September 18, 2008, you refused to answer questions posed to you by a Board representative as to the meaning of the initials “DM” that follow your name.
 - (c) On or about July 2, 1997, you received a certificate from the Spinal Orthopathic Syndesmobilization Therapy Institute; the certificate was issued in the name of “Robert T. McKinney, M.T., D.M., N.M.D.” The certificate was issued to you following completion of a course you had taken to earn hours toward the continuing education courses required for massage therapists. On or about September 18, 2008, you refused to answer questions posed to you by a Board representative as to the meaning of the initials “DM” that follow your name.
 - (d) During the operation of Central States, and while you were president of it, Central States maintained a website. A part of that website listed the faculty of Central States. You were listed as a member of the faculty and you were specifically identified as “Robert T. McKinney D.M., N.M.D.– Central States College of Health Sciences, 1994.” Although the faculty listing portion of the website is no longer accessible, the rest of the website remained accessible on the internet through at least December 31, 2008. On or about September 18, 2008, you refused to answer questions posed to you by a Board representative as to the meaning of the initials “DM” that follow your name in the website’s faculty listing.
- (4) On or about August 26, 1995, you issued or caused to be issued to yourself a document identified as a Doctor of Naturopathic Medicine degree, which you signed as President and Chairman of Central States. You signed your name as “Dr. Robert T. McKinney, DM, NMD.” Since receiving this document, and also before receiving it, you have represented yourself as a doctor of naturopathy or doctor of naturopathic medicine, including but not limited to the following:

- (a) On the certificate you issued or caused to be issued to yourself from Central States, you signed your name as “Dr. Robert T. McKinney, DM, NMD.” Although you identified a signature on the certificate as your own on or about September 18, 2008, you refused to answer questions posed to you by a Board representative as to the meaning of the initials “NMD” that follow your name.
- (b) As president of Central States, you wrote and/or assisted in writing the President’s Message that was included in a catalog about Central States. In the President’s Message, you identified yourself as “Robert T. McKinney Doctor of Naturopathic Medicine” and you signed your name as “Robert T. McKinney, N.M.D.” This same President’s Message was later included in Central States’ website, but without your signature; the website remained accessible on the internet through at least December 31, 2008. When questioned by a Board representative about the President’s Message on or about September 18, 2008, you admitted that you were identified as a “Doctor of Naturopathic Medicine.” You also identified a signature on the President’s Message in the catalog as your own on or about September 18, 2008, but you refused to answer questions posed to you by a Board representative as to the meaning of the phrase “Doctor of Naturopathic Medicine” that follows your name.
- (c) During the operation of Central States, and while you were president of it, Central States maintained a website. A part of that website listed the faculty of Central States. You were listed as a member of the faculty and you were specifically identified as “Robert T. McKinney D.M., N.M.D.– Central States College of Health Sciences, 1994.” Although the faculty listing portion of the website is no longer accessible, the rest of the website remained accessible on the internet through at least December 31, 2008. On or about September 18, 2008, you refused to answer questions posed to you by a Board representative as to the meaning of the initials “NMD” that follow your name in the website’s faculty listing.
- (d) While serving as president of Central States, you identified yourself on your business card as “Robert T. McKinney, N.M.D.” On or about September 18, 2008, you refused to answer questions posed to you by a Board representative as to the meaning of the initials “NMD” that follow your name.
- (e) You operated businesses in Columbus, Ohio, and Delaware, Ohio, beginning in the late 1980’s or early 1990’s and continuing through the early or mid-1990’s. You called these businesses “McKinney Health

Clinics” and identified yourself as “Robert T. McKinney, N.M.D., Doctor of Naturopathy.” On or about September 18, 2008, you refused to answer questions posed to you by a Board representative as to the meaning of the phrase “Doctor of Naturopathy” that follows your name.

- (f) On or about March 1, 1995, you joined an organization called American Naturopathic Medical Association. The certificate issued to you on or about March 1, 1995, identified you as “Dr. Robert T. McKinney.”
 - (g) On or about July 2, 1997, you received a certificate from the Spinal Orthopathic Syndesmobilization Therapy Institute; the certificate was issued in the name of “Robert T. McKinney, M.T., D.M., N.M.D.” The certificate was issued to you following completion of a course you had taken to earn hours toward the continuing education courses required for massage therapists. On or about September 18, 2008, you refused to answer questions posed to you by a Board representative as to the meaning of the initials “NMD” that follow your name.
- (5) You have joined organizations and have issued or caused to be issued certificates to you in your name that identify you as “Dr.” You also have taken classes, seminars and/or courses of instruction and, at the completion of these classes, seminars and/or courses of instruction, have issued or caused to be issued certificates to you in your name that identify you as “Dr.” and/or that you have signed as “Dr.” These include but are not limited to the following:
- (a) On or before May 1996, the American Board of Hypnotherapy issued a certificate to you, identifying you as a Certified Hypnotherapist and referring to you as “Dr. Robert T. McKinney.”
 - (b) On or about June 7, 1995, the National Guild of Hypnotists issued a certificate to you, identifying you as a Certified Hypnotherapist and referring to you as “Dr. Robert T. McKinney.”
 - (c) In or around 1995, the National Guild of Hypnotists issued a certificate to you, identifying you as a Certified Hypnotherapist Member in Good Standing and referring to you as “Dr. Robert T. McKinney.”
 - (d) On or about August 26, 1995, you issued or caused to be issued to yourself a document purportedly from Central States and identified as a Doctor of Mechanotherapy degree. On the certificate you issued or caused to be issued to you by Central States, you signed your name as “Dr. Robert T. McKinney, DM, NMD.”

- (e) In or around July 1994, you issued or caused to be issued to yourself a certificate from an organization or entity called The Ohio Academy of Mechanotherapy and Naturopathic Medicine, Inc., in which you were identified as “Dr. Robert T. McKinney, D.M.”
- (f) On or about August 26, 1995, you issued or caused to be issued to yourself a document identified as a Doctor of Naturopathic Medicine degree, which you signed as President and Chairman of Central States. On the certificate you issued or caused to be issued to yourself from Central States, you signed your name as “Dr. Robert T. McKinney, DM, NMD.”
- (g) On or about March 1, 1995, you joined an organization called American Naturopathic Medical Association. The certificate issued to you identified you as “Dr. Robert T. McKinney.”

On or about September 18, 2008, you refused to answer questions posed to you by a Board representative as to the meaning of “Dr.” that precedes your name on each of the foregoing certificates.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (4)(e) above, individually and/or collectively, constitute “[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,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code (as in effect prior to March 27, 1991), to wit: Section 4731.34, Ohio Revised Code (as in effect prior to September 10, 1996)), and Rule 4731-1-02, Ohio Administrative Code (as in effect prior to June 17, 1991).

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (4)(e) above, individually and/or collectively, constitute “violating 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,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code (as in effect prior to March 27, 1991), to wit: Section 4731.34, Ohio Revised Code (as in effect prior to September 10, 1996), and Rule 4731-1-03, Ohio Administrative Code (as in effect prior to June 30, 2001).

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (4)(e) above, individually and/or collectively, constitute “violating 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,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code (as in effect prior to January 14, 1993), to wit: Section 4731.34, Ohio Revised Code (as in effect prior to September 10, 1996), and Rule 4731-1-03, Ohio Administrative Code (as in effect prior to June 30, 2001).

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (4)(e) above, individually and/or collectively, constitute “[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,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code (as in effect prior to March 15, 1993), to wit: Section 4731.34, Ohio Revised Code (as in effect prior to September 10, 1996), and Rule 4731-1-03, Ohio Administrative Code (as in effect prior to June 30, 2001).

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (3)(b), (4)(e) and (5)(e) above, individually and/or collectively, constitute “violating 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,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code (as in effect prior to October 20, 1994), to wit: Section 4731.34, Ohio Revised Code (as in effect prior to September 10, 1996), and Rule 4731-1-03, Ohio Administrative Code (as in effect prior to June 30, 2001).

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (3)(a) through (b) and (d), (4)(a) through (d) and (f), and (5)(a) and (c) through (g) above, individually and/or collectively, constitute “violating 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,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code (as in effect prior to September 29, 1997), to wit: Section 4731.34, Ohio Revised Code (as in effect prior to September 10, 1996), and Rule 4731-1-03, Ohio Administrative Code (as in effect prior to June 30, 2001).

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (3), (4)(a) through (d) and (f) through (g), and (5) above, individually and/or collectively, constitute “violating 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,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code (as in effect prior to September 29, 1997), to wit: Section 4731.34, Ohio Revised Code (as in effect prior to April 10, 2001), and Rule 4731-1-03, Ohio Administrative Code (as in effect prior to June 30, 2001).

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (3), (4)(a) through (d) and (f) through (g), and (5) above, individually and/or collectively, constitute “violating 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,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code (as in effect prior to April 10, 1998), to wit: Section 4731.34, Ohio Revised Code (as in effect prior to April 10, 2001), and Rule 4731-1-03, Ohio Administrative Code (as in effect prior to June 30, 2001).

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (3), (4)(a) through (d) and (f) through (g), and (5) above, individually and/or collectively, constitute "violating 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," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code (as in effect prior to March 9, 1999), to wit: Section 4731.34, Ohio Revised Code (as in effect prior to April 10, 2001), and Rule 4731-1-03 (as in effect prior to June 30, 2001), Ohio Administrative Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (3), (4)(a) through (d) and (f) through (g), and (5) above, individually and/or collectively, constitute "violating 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," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.34, Ohio Revised Code (as in effect prior to April 10, 2001), and Rule 4731-1-03 (as in effect prior to June 30, 2001), Ohio Administrative Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (3), (4)(a) through (d) and (f) through (g), and (5) above, individually and/or collectively, constitute "violating 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," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.34, Ohio Revised Code, and Rule 4731-1-03 (as in effect prior to June 30, 2001), Ohio Administrative Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (3), (4)(a) through (d) and (f) through (g), and (5) above, individually and/or collectively, constitute "violating 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," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.34, Ohio Revised Code, and Rule 4731-1-03, Ohio Administrative Code.

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

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

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, 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/CDP/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3066 6801
RETURN RECEIPT REQUESTED

cc: John R. Spon, Esq.
40 South Park Place
Mansfield, Ohio 44902

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