



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

July 9, 1997

Allison Butts Hauserman
C/O Eric J. Plinke, Esq.
PORTER, WRIGHT, MORRIS & ARTHUR
2500 East Fifth Street, Suite 2200
Cincinnati, OH 45202-4199

Dear Ms. Hauserman:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Suzanne E. Kelly, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 9, 1997, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

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

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

THE STATE MEDICAL BOARD OF OHIO

Thomas E. Gretter, M.D.
Secretary

TEG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 395 587 555
RETURN RECEIPT REQUESTED

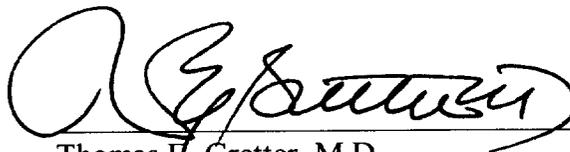
cc: Eric J. Plinke, Esq.
CERTIFIED MAIL RECEIPT NO. Z 395 587 556
RETURN RECEIPT REQUESTED

mailed 8/5/97

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Suzanne E. Kelly, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 9, 1997, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Allison Butts Hauserman, as it appears in the Journal of the State Medical Board of Ohio.

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



Thomas H. Gretter, M.D.
Secretary

(SEAL)

8/4/97

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

ALLISON BUTTS HAUSERMAN

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on July 9, 1997.

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

PROPOSED ORDER

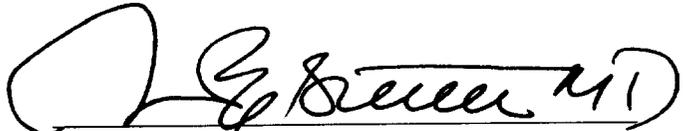
It is hereby ORDERED that:

The application of Allison Butts Hauserman for reinstatement of her certificate to practice massage therapy in the State of Ohio is hereby GRANTED, on the condition that Ms. Hauserman otherwise meets all statutory and regulatory requirements.

It is further ORDERED that Allison Butts Hauserman be and is hereby REPRIMANDED.

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

(SEAL)



Thomas E. Gretter, M.D.
Secretary

8/4/97

Date

**REPORT AND RECOMMENDATION
IN THE MATTER OF ALLISON BUTTS HAUSERMAN**

The Matter of Allison Butts Hauserman came on for hearing before Suzanne E. Kelly, Esq., Hearing Examiner for the State Medical Board of Ohio, on May 21, 1997.

INTRODUCTION

I. Basis for Hearing

A. By letter dated February 12, 1997 (State's Exhibit 1), the State Medical Board of Ohio [Board] notified Allison Butts Hauserman that it intended to determine whether to discipline her certificate to practice massage therapy for one or more of the following reasons:

1. On or about March 8, 1996, Ms. Hauserman applied for the restoration of her certificate to practice massage [Restoration Application] in Ohio with the Board, which application is currently pending.
2. On the Resume section of Ms. Hauserman's Restoration application, she stated the following:
 - a. From December 1993 to August 1994, Ms. Hauserman held the position of massage therapist with Suite 46 for Hair, Inc., in Northfield, Ohio; and
 - b. From August 1994 to February 1996, Ms. Hauserman held the position of massage therapist with Maxelle's Salon & Spa in Cleveland, Ohio.

However, Ms. Hauserman's license to practice massage was suspended by operation of law on September 1, 1993, for failure to pay renewal fees.

3. Further on the Additional Information Section of her Restoration Application, Ms. Hauserman answered "Yes" to the question, "have you ever, while not holding a valid license from the State Medical Board of Ohio or from any other board, bureau, department, agency or body granting the right to practice massage therapy, practiced, advertised, announced yourself as practicing or conducted an office for the practice of massage therapy in Ohio?"

STATE OF OHIO

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The Board alleged that Ms. Hauserman's acts, conduct, and/or omissions as alleged in paragraphs (2) and (3), 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 provision 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 4731.15, Ohio Revised Code.

Further, the Board alleged that Ms. Hauserman's acts, conduct, and/or omissions as alleged in paragraphs (2) and (3), individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in 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 4731.41, Ohio Revised Code.

Finally, the Board alleged that Ms. Hauserman's acts, conduct, and/or omissions as alleged in paragraphs (2) and (3), individually and/or collectively, constitute "(f)ailure to pay license renewal fees specified in this chapter," as that clause is used in Section 4731.22(B)(16), Ohio Revised Code. The Board advised Ms. Hauserman of her right to request a hearing in this Matter.

- B. On March 19, 1997, Ms. Hauserman submitted a written hearing request to the Board. (State's Exhibit 3)

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Elizabeth Y Collis, Assistant Attorney General.
- B. On behalf of the Respondent: Ms. Hauserman did not appear at the hearing in person or by representative, but instead submitted a Written Statement and Argument.

EVIDENCE EXAMINED

I. Testimony Heard

No testimony was presented by either side.

II. Exhibits Examined

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In addition to State's Exhibits 1 and 2, the following exhibits were identified and admitted into evidence.

A. Presented by the State

1. State's Exhibit 3: March 20, 1997, letter to Ms. Hauserman from the Board advising that a hearing had been set for Tuesday, April 1, 1997, but further advising that the hearing had been postponed pursuant to Section 119.09, Ohio Revised Code. (2 pp.)
2. State's Exhibit 4: April 17, 1997, repeat mailing of State's Exhibit 3.
3. State's Exhibit 5: March 24, 1997, letter to Ms. Hauserman from the Board scheduling a hearing for April 24, 1997. (2 pp.)
4. State's Exhibit 6: April 11, 1997, Respondent's Motion for Continuance. (4 pp.)
5. State's Exhibit 7: April 18, 1997, Entry granting Respondent's Motion for Continuance and rescheduling the hearing to May 21, 1997.
6. State's Exhibit 8: Affidavit of Debra Jones. Attached are the Respondent's March 8, 1996, Application for Restoration of Certificate to Practice Massage and her 1991 Application for Renewal. (18 pp.)

B. Respondent's Exhibits

1. Respondent's Exhibit A: Respondent's Written Statement and Argument in Lieu of Personal Appearance at Hearing. (9 pp.)

C. Board Exhibit

1. Board Exhibit A: May 16, 1997, Entry reassigning this Matter to Suzanne E. Kelly, Attorney Hearing Examiner.

PROCEDURAL MATTERS

1. Respondent's counsel requested that the record be held open so that a signed verification statement could be attached to Respondent's Exhibit A, which was

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admitted at hearing. The Board received the verification statement on May 28, 1997. The record closed on that date.

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Attorney Hearing Examiner prior to preparing this Report and Recommendation.

1. Allison Butts Hauserman received a degree in massage therapy from the Ohio College of Massotherapy in 1989. Ms. Hauserman obtained Ohio licensure in 1989. (State's Exhibit [St. Ex.] 8)

In 1991, Ms. Hauserman completed an application for renewal in the 1992-1993 biennium. The Board sent the renewal application to the address: 19000 Melville Road, Cleveland Heights, Ohio 44110. The application notified the applicant that Ohio statute required that the Board be notified of address changes. When Ms. Hauserman returned her application, she made no changes to the renewal application. (St. Ex. 8 at 18)

2. In 1993, the Board again sent Ms. Hauserman's renewal information to 19000 Melville Road, Cleveland Heights, Ohio 44110. Ms. Hauserman did not reply. As a result, Ms. Hauserman's license to practice massage therapy was suspended by operation of law on September 1, 1993. (St. Ex. 8 at 1)
3. On March 15, 1996, Ms. Hauserman submitted a Restoration Application. In the resume portion of the Restoration Application, Ms. Hauserman stated that she worked as a massage therapist for two to four private clients from August 1993 through February 1996. Additionally, between December 1993 and August 1994, Ms. Hauserman worked as a massage therapist at Suite 46 for Hair, Inc., in Northfield, Ohio. From August 1994 to February 1996, Ms. Hauserman worked as a massage therapist at Maxelle's Salon and Spa, Cleveland, Ohio. (St. Ex. 8 at 2-18)
4. Ms. Hauserman submitted a written statement and argument in lieu of her personal appearance. Ms. Hauserman explained that she was unaware that her license lapsed in 1993. Ms. Hauserman contacted the Board in February 1996 when she became concerned about the status of her license. According to Ms. Hauserman, the Board staff member stated that computer records showed that Ms. Hauserman held a license as a medical doctor, her license expired in 1992, and her city and zip code were "Cleveland Heights, Ohio 44118." Ms. Hauserman informed the staff member that her occupation

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was massage therapist, her license should have expired in an odd numbered year, and her proper city and zip code were "Cleveland, Ohio 44110."
(Respondent's Exhibit [Res. Ex.] A)

Ms. Hauserman explained that her employers at the hair salons only allowed her to perform non-therapeutic massage. The employers believed that regulations imposed by the Ohio State Board of Cosmetology required this restriction. Accordingly, Ms. Hauserman asserts that she did not examine, diagnose, or treat any disorders of the human body, as such terms are used in Section 4731.34, Ohio Revised Code, and Rule 4731-1-05, Ohio Administrative Code. However, Ms. Hauserman did not assert that she performed only non-therapeutic massage on her private clients as described in her resume. (Res. Ex. A)

After her February 1996 conversations with Board staff members, Ms. Hauserman ceased practicing massage for any clients. She found employment in a pet shop until April 1997. At that time, Ms. Hauserman began an entry level position in restaurant management to support her family. To date, Ms. Hauserman has paid restoration and late fees totaling \$180.00. (Res. Ex. A)

5. Section 4731.15, Ohio Revised Code, provides in pertinent part:

All persons who hold a certificate to practice a limited branch of medicine or surgery issued by the state medical board shall provide the board written notice of any change of address. A certificate to practice a limited branch of medicine or surgery shall be automatically suspended if the fee is not paid by the first day of September of the year it is due, and continued practice after the suspension of the certificate to practice shall be considered as practicing without a license in violation of sections 4731.34 and 4731.41 of the Revised Code. An applicant for reinstatement of a certificate to practice suspended for failure to register shall submit his current delinquent registration fees and a penalty of twenty-five dollars.

6. Section 4731.41, Ohio Revised Code, provides in pertinent part:

No person shall practice medicine or surgery, or any of its branches without a certificate from the state medical board.

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FINDINGS OF FACT

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1. On March 8, 1996, Ms. Hauserman applied for the restoration of her certificate to practice massage in Ohio with the State Medical Board of Ohio, which application is currently pending.
2. On the Resume section of Ms. Hauserman's Restoration Application, she stated the following:
 - a. From December 1993 to August 1994, she held the position of massage therapist with Suite 46 for Hair, Inc., in Northfield, Ohio; and
 - b. From August 1994 to February 1996, she held the position of massage therapist with Maxelle's Salon & Spa in Cleveland, Ohio.
 - c. Ms. Hauserman practiced therapeutic massage therapy for private clients from August 1993 through February 1996. Ms. Hauserman announced herself as practicing massage therapy for clients at both Suite 46 for Hair and Maxelle's Hair Salons between August 1993 and February 1996.

However, Ms. Hauserman's license to practice massage therapy was suspended by operation of law on September 1, 1993, for failure to pay renewal fees.

3. On the Massage Restoration Additional Information Section of her Restoration Application, Ms. Hauserman answered "Yes" to the question, "have you ever, while not holding a valid license from the State Medical Board of Ohio or from any other board, bureau, department, agency or body granting the right to practice massage therapy, practiced, advertised, announced yourself as practicing or conducted an office for the practice of massage therapy in Ohio?"
4. Ms. Hauserman has not practiced any massage therapy since February 1996.

CONCLUSIONS OF LAW

1. Ms. Hauserman's acts, conduct, and/or omissions as alleged in Findings of Fact 2 and 3 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 provision 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 4731.15, Ohio Revised Code.
2. Ms. Hauserman's acts, conduct, and/or omissions as alleged in Findings of Fact 2 and 3, individually and/or collectively, constitute "violating or attempting to

violate, directly or indirectly, or assisting in 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 4731.41, Ohio Revised Code.

3. Ms. Hauserman's acts, conduct, and/or omissions as alleged in Findings of Fact 2 and 3, individually and/or collectively, constitute "(f)ailure to pay license renewal fees specified in this chapter," as that clause is used in Section 4731.22(B)(16), Ohio Revised Code.

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Ms. Hauserman failed to correct her address when she received the Board's 1991 renewal application. This failure resulted in an inaccurately addressed renewal application being sent out in 1993. Ms. Hauserman alleged that she did not receive this notice. Despite not receiving a renewal notice, Ms. Hauserman should have known that her license needed to be renewed every two years. Ms. Hauserman did not contact the Board until February 1996.

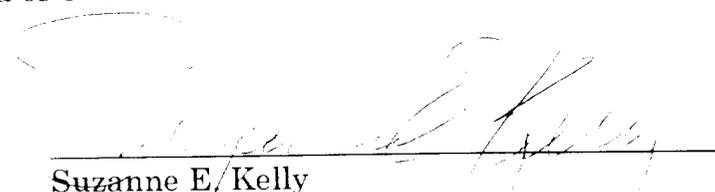
Ms. Hauserman points to her self-reporting, and incorrect address as mitigating factors. It is positive that Ms. Hauserman reported her oversight to the Board and immediately ceased practicing. However, Ohio law places the responsibility for correcting an address on the licensee. Ms. Hauserman ignored this responsibility to her detriment. A further mitigating factor is that the Board made no allegations regarding the quality of care rendered by Ms. Hauserman.

PROPOSED ORDER

It is hereby ORDERED that:

The application of Allison Butts Hauserman for reinstatement of her certificate to practice massage therapy in the State of Ohio is hereby GRANTED, on the condition that Ms. Hauserman otherwise meets all statutory and regulatory requirements.

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



Suzanne E. Kelly
Attorney Hearing Examiner



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614)466-3934

EXCERPT FROM THE DRAFT MINUTES OF JULY 9, 1997

REPORTS AND RECOMMENDATIONS

Ms. Noble announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Ms. Noble asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Allison Butts Hauserman and Roy J. Johnson, M.D.

A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Ms. Noble	- aye

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Ms. Noble	- aye

In accordance with the provision in Section 4731.22(C)(1), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Ms. Noble stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

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

REPORT AND RECOMMENDATION IN THE MATTER OF ALLISON BUTTS HAUSERMAN

Ms. Noble directed the Board's attention to the matter of Allison Butts Hauserman. She advised that objections to Hearing Examiner Kelly's Report and Recommendation were filed and previously distributed to Board members. A request to address the Board has been timely filed on behalf of Ms. Hauserman. Five minutes would be allotted for that address.

Mr. Plinke introduced himself, stating that he is here with and on behalf of the Respondent, Allison Hauserman. He thanked the Board for the opportunity to address it today regarding Ms. Kelly's Report and Recommendation. The Board has before it the written objections. As set forth in those objections, their primary objections are to certain Findings of Fact and Conclusions of Law made by Ms. Kelly. Specifically, Ms. Kelly made Findings of Fact and Conclusions of Law relative to matters that were not set forth in the Board's citation letter. Additionally, the record is insufficient to find that the Respondent has violated Section 4731.41, O.R.C., as she engaged in only non-therapeutic massage.

Mr. Plinke stated that, other than these objections, they find that the Report and Recommendation a well-founded approach to the issues presented in this matter, and they agree with the terms of the Proposed Order. The Hearing Examiner identified conduct on the part of Ms. Hauserman that served as mitigation in support of the Proposed Order. They request that the Board also find that mitigation exists here, and that the Proposed Order be adopted as written.

Mr. Plinke stated that the Respondent submits that her conduct in self-reporting the failure to renew her massage therapy license and in immediately resigning her position at the beauty salon to avoid any possible impropriety demonstrates full and free disclosure to the Board and an absence of a dishonest or selfish motive as those mitigating factors are identified in the Board's disciplinary guidelines.

There is also the issue of possible incorrect licensure address information on the part of the Board, which may have contributed to Ms. Hauserman's failure to renew her license. Mr. Plinke stated that they ask that the Board also consider this issue as mitigation. While the possible misinformation may have interfered

with Ms. Hauserman's ability to renew her license, they do not contend that it obviated her legal responsibility to do so.

Mr. Plinke stated that the record reflects that Ms. Hauserman acted responsibly by self-reporting and resigning her position, despite the personal and familial hardship that would follow. Her conduct amounts to a self-imposed discipline, and they ask that the Board consider that. He requested that the Board recognize that the record supports additional mitigating factors, including the absence of a prior disciplinary record, the fact that this is an incident that is unlikely to recur, the fact that Ms. Hauserman is remorseful, and, significantly, there is an absence of adverse impact on others.

Mr. Plinke at this time deferred to Ms. Hauserman.

Ms. Hauserman thanked the Board for allowing her to speak. She stated that at the time that she decided on a career as a massage therapist, she definitely knew that she wanted to be licensed. One of the factors that went into her decision to pursue massage as a career in Ohio was that there is a licensing procedure from the Medical Board. She thought that was very important. She definitely did not want to be in a situation where there is no licensing and no standards, and it's just chaotic. She attended massage school and took the examination and became licensed because she felt it was really important, even though she wasn't pursuing the kind of massage that required licensure. Most of her career she was doing massage in beauty salons. At the time she realized that she hadn't renewed her license, she called the Board to report it. She knew she needed to do whatever was necessary to straighten things out and get relicensed. She did immediately resign her job, despite the fact that doing so created a definite hardship emotionally.

Ms. Noble asked whether the Assistant Attorney General wished to respond.

Ms. Collis stated that a notice for opportunity for hearing was issued to Ms. Hauserman, based on her application for restoration of her certificate to practice massage therapy. Ms. Hauserman was initially licensed in July 1989. She successfully renewed her license in 1991. The 1991 renewal card listed the address the Board had in its computer as Ms. Hauserman's current address. The address was correct except that it listed "Cleveland Heights" as the city, instead of "Cleveland," and it had a different zip code. That renewal card, as best as the Board can tell, was received by Ms. Hauserman. There is information on the renewal card requesting correction of incorrect addresses. There is no evidence that Ms. Hauserman sent a correction.

Ms. Collis continued that in 1993 the Board sent a renewal application to the address on the 1991 renewal card. Ms. Hauserman asserts that she never received that renewal application, so she never renewed in 1993. The only information the Board had was information provided by Ms. Hauserman. Ms. Hauserman continued to practice from 1993 to 1996 on a lapsed license. She would have needed to renew in both 1993 and 1995, and she didn't at either time.

The information the Board has about Ms. Hauserman during the years since 1993 was provided by Ms. Hauserman in her restoration application. She listed in that application that she practiced at two different salons, her title was "massage therapist," and she performed massage therapy. She also indicated on the application that she had a private practice from 1993 to 1995 where she saw two to four patients per week upon whom she also practiced massage therapy.

The Board proposed to deny or discipline Ms. Hauserman's license, based upon the fact that she practiced on a lapsed license for longer than a two-year period. The State does not object to the Hearing Examiner's Findings of Fact or to Ms. Hauserman's license being restored. The State does not wish to keep her out of practice permanently. The State would assert, though, given the Findings of Fact as outlined by the Hearing Examiner, a reprimand, at minimum, would be appropriate for practicing on a lapsed license for a period of more than two years.

DR. AGRESTA MOVED TO APPROVE AND CONFIRM MS. KELLY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ALLISON BUTTS HAUSERMAN. DR. BUCHAN SECONDED THE MOTION.

Ms. Noble stated that she would now entertain discussion concerning the proposed findings of fact, conclusions and order in the above matter.

Dr. Steinbergh stated that she agrees with the Findings of Fact, and doesn't disagree with granting Ms. Hauserman's restoration request. She would like to amend the Proposed Order to include a reprimand for practicing massage therapy on a lapsed license.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF ALLICSON BUTTS HAUSERMAN BY INCLUDING AN ORDER OF REPRIMAND. DR. GARG SECONDED THE MOTION.

Dr. Steinbergh stated that Ms. Hauserman did present herself as a massage therapist while working in two different salons and should have known that her license had lapsed. She added that she was surprised to find that Ms. Hauserman was hired to work as a massage therapist without her employers verifying licensure.

Dr. Bhati asked whether the Order shouldn't include a requirement that Ms. Hauserman pay renewal fees for the two renewal periods she missed.

Ms. Lubow stated that Ms. Hauserman has already paid back fees as part of the restoration process.

A vote was taken on Dr. Steinbergh's motion to amend:

VOTE: Mr. Albert - abstain

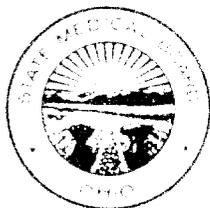
Dr. Bhati	- aye
Dr. Gretter	- abstain
Dr. Egner	- aye
Mr. Sinnott	- aye
Dr. Buchan	- aye
Dr. Stienecker	- aye
Dr. Agresta	- aye
Dr. Garg	- aye
Dr. Steinbergh	- aye

The motion carried.

DR. GARG MOVED TO APPROVE AND CONFIRM MS. KELLY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF ALLISON BUTTS HAUSERMAN. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Gretter	- abstain
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43260-0315 • (614) 466-3934

February 12, 1997

Allison Butts Hauserman
19000 Melville Road
Cleveland, OH 44110

Dear Ms. Hauserman:

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

- 1) On or about March 8, 1996, you applied for the restoration of your certificate to practice massage ("Restoration Application") in Ohio with the State Medical Board of Ohio, which application is currently pending.
- 2) On the Resume section of your Restoration Application, you stated the following:
 - a) From December 1993 to August 1994, you held the position of massage therapist with Suite 46 for Hair, Inc. in Northfield, Ohio; and
 - b) From August 1994 to February 1996, you held the position of massage therapist with Maxelle's Salon & Spa in Cleveland, Ohio.

However, your license to practice massage was suspended by operation of law on September 1, 1993, for failure to pay renewal fees.

- 3) Further, on the Massage Restoration Additional Information Section of your Restoration Application, you answered "Yes" to the question, "Have you ever, while not holding a valid license from the State Medical Board of Ohio or from any other board, bureau, department, agency or body granting the right to practice massage therapy, practiced, advertised, announced yourself as practicing or conducted an office for the practice of massage therapy in Ohio?"

Your acts, conduct, and/or omissions as alleged in paragraphs (2) and (3) 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

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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 4731.15, Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (2) and (3) 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 4731.41, Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute "(f)ailure to pay license renewal fees specified in this chapter", as that clause is used in Section 4731.22(B)(16), Ohio Revised Code.

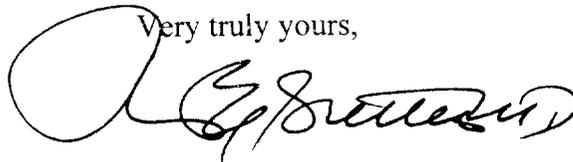
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing this notice.

You are further advised that 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 (30) 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 or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Thomas E. Gretter, M.D.
Secretary

TEG/bjm

Enclosures

CERTIFIED MAIL # P 152 983 903
RETURN RECEIPT REQUESTED