



State Medical Board of Ohio

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June 13, 2001

Thomas Joseph DelliQuadri, M.T.
48 East Liberty Street
Girard, OH 44420

Dear Mr. Delliquadri:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 13, 2001, 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 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 a Notice of Appeal with the State Medical Board of Ohio and 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, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in black ink, appearing to read "Anand G. Garg".

Anand G. Garg, M.D.
Secretary

AGG: jam
Enclosures

CERTIFIED MAIL NO. 7099 3220 0009 3046 0529
RETURN RECEIPT REQUESTED

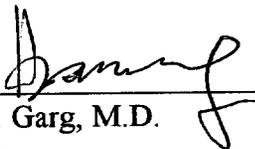
Cc: Mark L. Belleville, Esq.
CERTIFIED MAIL NO. 7099 3220 0009 3046 0536
RETURN RECEIPT REQUESTED

Mailed 7-5-01

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 13, 2001, 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 Thomas Joseph DelliQuadri, M.T., 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.



Anand G. Garg, M.D.
Secretary

(SEAL)

JUNE 13, 2001
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

THOMAS JOSEPH DELLIQUADRI, M.T. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on June 13, 2001..

Upon the Report and Recommendation of R. Gregory Porter, 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.

- A. **STAYED PERMANENT REVOCATION; SUSPENSION OF CERTIFICATE:** The certificate of Thomas Joseph DelliQuadri, M.T., to practice massage therapy in the State of Ohio shall be PERMANENTLY REVOKED. The permanent revocation is stayed, and Mr. DelliQuadri's certificate is SUSPENDED for an indefinite period of time, but not less than two years.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Mr. DelliQuadri's certificate to practice massage therapy unless all of the following conditions are met:
1. **Application and Fees:** Mr. DelliQuadri shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Completion of Inpatient Treatment:** Mr. DelliQuadri shall complete a minimum of 28 days of inpatient or residential treatment, or a combination thereof, for his chemical dependency. Such inpatient or residential treatment shall be completed without interruption. Further, such inpatient or residential treatment shall be provided in accordance with Rule 4731-16-08(A)(13), Ohio Administrative Code, by a treatment provider approved under Section 4731.25, Ohio Revised Code.

In addition, upon discharge from treatment, Mr. DelliQuadri shall enter into, and thereafter maintain compliance with, a post-discharge aftercare contract which complies with Rule 4731-16-10, Ohio Administrative Code, with a treatment provider approved under Section 4731.25, Ohio Revised Code, who has access to Mr. DelliQuadri's treatment records.

3. **Demonstration of Ability to Resume Practice:** Mr. DelliQuadri shall demonstrate to the satisfaction of the Board that he can practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include, but not be limited to, the following:
 - a. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Mr. DelliQuadri has successfully completed the required inpatient treatment.
 - b. Evidence of continuing full compliance with an aftercare contract.
 - c. Two written reports indicating that Mr. DelliQuadri's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the Board for making such assessments and shall describe the bases for this determination.
 - d. Mr. DelliQuadri shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the approval of the Board or its designee.
4. **Releases:** Upon submission of his application, Mr. DelliQuadri shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide or have provided evaluation, treatment or aftercare for Mr. DelliQuadri's chemical dependency and related conditions, to the Board, to treating and monitoring physicians, and to others involved in the monitoring process. Mr. DelliQuadri shall also provide the Board written consent permitting any treatment provider from whom Mr. DelliQuadri obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract.
5. **Competency Examination:** Mr. DelliQuadri shall take and pass the Limited Branch portion of the massage therapy examination or any similar written examination that the Board may deem appropriate to assess clinical competency.

C. **PROBATIONARY CONDITIONS:** Upon reinstatement or restoration, Mr. DelliQuadri's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

1. **Obey Laws in Ohio:** Mr. DelliQuadri shall obey all federal, state and local laws; and all rules governing the practice of medicine in Ohio.
2. **Quarterly Declarations:** Mr. DelliQuadri shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the reinstatement or restoration of Mr. DelliQuadri's certificate, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. **Appearances:** Mr. DelliQuadri shall appear in person for an interview before the full Board or its designated representative during the third month following the reinstatement or restoration of Mr. DelliQuadri's certificate, provided that if the effective date is on or after the 16th day of the month, the first personal appearance must occur during the fourth month following. Mr. DelliQuadri must also appear every three months thereafter, and/or as otherwise requested by the Board.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the Board will normally give Mr. DelliQuadri written notification of scheduled appearances, it is Mr. DelliQuadri's responsibility to know when personal appearances will occur. If he does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Mr. DelliQuadri shall immediately submit to the Board a written request to be notified of his next scheduled appearance.

4. **Abstention from Drugs:** Mr. DelliQuadri shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Mr. DelliQuadri's history of chemical dependency.

5. **Abstinence from Alcohol**: Mr. DelliQuadri shall abstain completely from the use of alcohol.

6. **Rehabilitation Program**: Mr. DelliQuadri shall maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval. Mr. DelliQuadri shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Mr. DelliQuadri's quarterly declarations.

7. **Drug & Alcohol Screens; Supervising Physician; Refrain from Practice Until Approval Granted**: Mr. DelliQuadri shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Mr. DelliQuadri shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Within thirty days of the reinstatement or restoration of his certificate, Mr. DelliQuadri shall submit to the Board for its prior approval the name of a supervising physician to whom Mr. DelliQuadri shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Mr. DelliQuadri. Mr. DelliQuadri shall refrain from practicing until the Board has approved a supervising physician.

The supervising physician shall ensure that the urine specimens are obtained on a random basis, that a reliable person witnesses the giving of the specimen, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the Board of any positive screening results.

Mr. DelliQuadri shall ensure that the supervising physician provides quarterly reports to the Board, on forms approved or provided by the Board, verifying whether all urine screens have been conducted in compliance with this Order, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

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

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

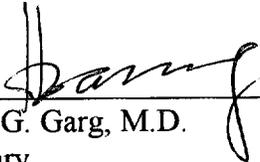
8. **Provision of Blood or Urine for Screening without Prior Notice:** Mr. DelliQuadri shall submit blood and/or urine specimens for analysis without prior notice at such times as the Board may request, at Mr. DelliQuadri's expense.
9. **Releases:** Mr. DelliQuadri shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Mr. DelliQuadri's chemical dependency or related conditions, or for purposes of complying with this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Mr. DelliQuadri shall provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.
10. **Compliance with Post Discharge Aftercare Contract:** Mr. DelliQuadri shall provide the Board with acceptable documentation evidencing continued compliance with the terms of the aftercare contract entered into with an approved treatment provider, provided that where the terms of the aftercare contract conflict with the terms of this Order, the terms of this Order shall control. The documentation must be received in the Board's offices no later than the due date for Mr. DelliQuadri's quarterly declarations.
11. **Absence from Ohio:** In the event that Mr. DelliQuadri should leave Ohio for three continuous months, or reside or practice outside the State, Mr. DelliQuadri must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the Order, unless otherwise determined by the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
12. **Violation of Probation; Stayed Sanction Imposed:** If Mr. DelliQuadri violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may set aside the stay order and impose the permanent revocation of Mr. DelliQuadri's certificate.

13. **Tolling of Probationary Period while Out of Compliance:** In the event Mr. DelliQuadri is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period.
 14. **Refrain from Practice if Missed Declaration or Report:** If any declaration or report required by this Order is not received in the Board's offices on or before its due date, Mr. DelliQuadri shall cease practicing beginning the day following Mr. DelliQuadri's receiving notice from the Board of non-receipt, either by writing, telephone, or by personal contact, until the declaration or report is received in the Board offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41, Ohio Revised Code.
 15. **Refrain from Practice if Missed Screening:** If, without permission from the Board, Mr. DelliQuadri fails to submit to random screenings for drugs and/or alcohol, at least as frequently as required by this Order, Mr. DelliQuadri shall cease practicing immediately upon Mr. DelliQuadri's receiving notice from the Board of the violation and shall refrain from practicing for thirty days for the first instance of a missed screen. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41, Ohio Revised Code.
 16. **Refrain from Practice if Missed AA or NA Meeting:** If, without permission from the Board, Mr. DelliQuadri fails to participate in an alcohol and drug rehabilitation program, at least as frequently as required by this Order, Mr. DelliQuadri shall cease practicing beginning immediately upon receipt from the Board of notice of the violation and shall refrain from practicing for fifteen days following a missed meeting. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41, Ohio Revised Code.
- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Mr. DelliQuadri's certificate will be fully restored.
- E. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS:** Within thirty days of the effective date of this Order, Mr. DelliQuadri shall provide a copy of this Order to all employers or entities with which he is under contract to provide massage therapy services. Further, Mr. DelliQuadri shall provide a copy of this Order to all employers or entities with which he contracts to provide massage therapy services. Mr. DelliQuadri is not required to provide a copy of this Order to his patients.

- F. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, Mr. DelliQuadri shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Mr. DelliQuadri shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Mr. DelliQuadri shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of notification of approval by the Board.

(SEAL)



Anand G. Garg, M.D.
Secretary

 JUNE 13, 2001
Date

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**REPORT AND RECOMMENDATION
IN THE MATTER OF THOMAS JOSEPH DELLIQUADRI, M.T.**

The Matter of Thomas Joseph DelliQuadri, M.T., was heard by R. Gregory Porter, Attorney Hearing Examiner for the State Medical Board of Ohio, on March 12, 2001.

INTRODUCTION

I. Basis for Hearing

A. By letter dated December 13, 2000, the State Medical Board of Ohio [Board] notified Thomas Joseph DelliQuadri, M.T., that it had proposed to take disciplinary action against or to refuse to register or reinstate his certificate to practice massage therapy, based on the following allegations:

- On or about March 14, 1997, Mr. DelliQuadri applied for restoration of his certificate to practice massage therapy. The Board granted Mr. DelliQuadri's application based upon the truth of the statements and documents it had received in connection with that application. However, Mr. DelliQuadri had failed to apprise the Board in his application that, on or about June 30, 1996, in the Girard Municipal Court, Trumbull County, Ohio, he had pleaded no contest to and was found guilty of one count of "Dis. -M-M.," Disorderly Conduct; Intoxication, a minor misdemeanor.
- On or about August 8, 1998, in the Girard Municipal Court, Mr. DelliQuadri pleaded guilty to three drug-related misdemeanors, and was found by the court to be eligible for treatment in lieu of conviction pursuant to Section 2951.041, Ohio Revised Code. The acts underlying Mr. DelliQuadri's August 8, 1998, court action had included an overdose on heroin.

The Board alleged that Mr. DelliQuadri's failure in his application for restoration to apprise the Board of the June 30, 1996, action in Girard Municipal Court had constituted "'fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board,' as that clause is used in Section 4731.22(A), Ohio Revised Code, as in effect prior to March 9, 1999, [and/or] 'publishing a false, fraudulent, deceptive, or misleading statement,' as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect prior to March 9, 1999."

Further, the Board alleged that Mr. DelliQuadri's acts, conduct, and/or omissions underlying the judicial finding of Eligibility for Treatment in Lieu of Conviction constitute "'[i]mpairment of ability to practice according to acceptable and

prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,' as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.”

Accordingly, the Board advised Mr. DelliQuadri of his right to request a hearing in this matter. (State’s Exhibit 1A)

- B. By document received by the Board on January 10, 2001, Mark L. Belleville, Esq., requested a hearing on behalf of Mr. DelliQuadri. (State’s Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Rebecca J. Albers, Assistant Attorney General.
- B. On behalf of the Respondent: Mark L. Belleville, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

- A. Presented by the State

Thomas Joseph DelliQuadri, M.T., as upon cross-examination
- B. Presented by the Respondent
 - 1. Marva Wendel
 - 2. Thomas Joseph DelliQuadri, M.T.
 - 3. Steven Chadwick

II. Exhibits Examined

- A. Presented by the State
 - 1. State’s Exhibits 1B through 1P: Procedural exhibits.
 - 2. State’s Exhibit 2: Certified copy of Mr. DelliQuadri’s March 14, 1997, Application for Massage Restoration. [Note: Social Security numbers had been redacted from this document prior to the hearing.]

Report and Recommendation

In the Matter of Thomas Joseph DelliQuadri, M.T.

Page 3

3. State's Exhibit 3: Certified copies of the following documents provided by the Board concerning Mr. DelliQuadri: November 16, 1990, Certification; November 16, 1990, Entry of Order; October 4, 1990, Report and Recommendation; excerpt from the minutes of the November 14, 1990, Board meeting; November 20, 1996, Certification; November 20, 1996, Entry of Order; September 27, 1996, Report and Recommendation; and excerpt from the minutes of the November 13, 1996, Board meeting.
4. State's Exhibits 4 and 5: Certified copies of Judgments and Orders from the Girard Municipal Court, Trumbull County, Ohio, filed in *State of Ohio v. Delliquadri*, Case number 96CRB634. [Note: State's Exhibit 5 is admitted under seal because the court has sealed the criminal records relating to this matter.]
5. State's Exhibit 6: Copy of a July 1999 newsletter from Western Michigan Teen Challenge, Muskegon, Michigan.
6. State's Exhibit 7: Copy of Mr. DelliQuadri's business card.

B. Presented by the Respondent

1. Respondent's Exhibit A: Copy of a January 4, 2001, letter addressed "To Whom it May Concern," from Marva Wendel, Sterile Processing Manager, Mount Carmel Hospital, Columbus, Ohio.
2. Respondent's Exhibit B: Copy of Mr. DelliQuadri's May 5, 1999, application for biennial renewal of his certificate. [Note: The hearing Examiner redacted a Social Security number from this document post hearing.]
3. Respondent's Exhibit C: Copy of Mr. DelliQuadri's August 26, 1999, Certificate of Graduation from Western Michigan Teen Challenge.
4. Respondent's Exhibit D: Copy of the cover of Mr. DelliQuadri's compact music disk entitled *Notes for Pam*.
5. Respondent's Exhibit E: Copy of an information brochure for Western Michigan Teen Challenge.
6. Respondent's Exhibit F: Copy of a January 12, 2001, letter addressed "To Whom it May Concern," from Dan Prus, Director of Men's Program, Teen Challenge International, Western Michigan.

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CRB 9800707, 9800708

7. Respondent's Substitute Exhibits G through I: Copies of a summary of a dissertation and two research reports concerning Teen Challenge.
 8. Respondent's Substitute Exhibit J: Certified copy of a March 5, 2001, Journal Judgments and Orders from the Girard Municipal Court filed in *State v. Delliquadri*, Case Nos. CRB 9800707 and CRB 9800708(A)(B). [Note: This exhibit has been admitted under seal because the court has sealed the criminal records relating to this matter.]
 9. Respondent's Exhibit K: Copy of a June 21, 1999, letter to the Board from Judge Michael A. Bernard, Girard Municipal Court, concerning Mr. DelliQuadri. [Note: This exhibit has been admitted under seal because the court has sealed the criminal records relating to this matter.]
- C. The following exhibits are admitted on the motion of the Hearing Examiner:
1. Board Exhibit A: Copy of an excerpt from the minutes of the October 8, 1997, Board meeting. [Note: A telephone conference was held post hearing among the Hearing Examiner and the parties' representatives concerning this exhibit. Neither party expressed an objection to its admission.]
 2. Board Exhibit B: Section 2951.041, Ohio Revised Code, as in effect prior to February 9, 2000.

PROCEDURAL MATTERS

The hearing record in this matter was held open until March 30, 2001, to give the Respondent an opportunity to obtain and submit additional information. These exhibits were timely submitted and accompanied by cover letters indicating that copies had been sent to the State's representative. No objection to this material on the part of the State was received, and the exhibits were entered into the record. (See Hearing Transcript at 109-113 and 119-120)

SUMMARY OF THE EVIDENCE

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

Background Information

1. Thomas Joseph DelliQuadri, M.T., obtained his massage therapy training from the Ohio College of Massotherapy, Akron, Ohio. From September 1993 through October 1995, Mr. DelliQuadri worked as a massotherapist and x-ray technician for his father, A.S. DelliQuadri, D.C., a chiropractor. Mr. DelliQuadri testified that he has not practiced as a massage therapist since 1995. (State' Exhibit [St. Ex.] 2; Hearing Transcript [Tr.] at 29-30)

Prior Actions by the Board

2. Mr. DelliQuadri has had two prior actions taken against him by the Board:
 - a. On or about June 13, 1990, the Board proposed to take disciplinary action against, or to refuse to register or reinstate, the massage therapy certificate of Mr. DelliQuadri. A hearing was held on September 10, 1990, and a Report and Recommendation was issued on October 4, 1990. (St. Ex. 3)

At its meeting on November 14, 1990, the Board found that Mr. DelliQuadri had taken the basic science portion of the massage therapy examination on December 2, 1987, following two previous unsuccessful attempts in December 1986 and June 1987. The Board further found that, after having completing the examination, Mr. DelliQuadri turned in his identification card and other related materials to the proctors, but left the room with the examination still in his possession. Mr. DelliQuadri returned to the examination site approximately fifteen minutes later and informed the proctors that he had left with the examination by mistake. (St. Ex. 3)

Board investigators questioned Mr. DelliQuadri when he returned to the examination site. The Board found that

During this interview Mr. DelliQuadri stated that, due to his distress over leaving the test site with the exam, he had driven so quickly back to the testing site that he had received a speeding ticket. Upon request by the investigators to inspect the ticket, Mr. DelliQuadri conceded that he had fabricated the ticket in an attempt to relay to the State Medical Board personnel how seriously he had taken his inadvertent departure from the examination site without turning in his test and that he had made a diligent effort to return it promptly.

(St. Ex. 3) Because he had left the testing site with the examination, his examination was not graded, and Mr. DelliQuadri did not pass. (St. Ex. 3)

The Board concluded that Mr. DelliQuadri had violated Section 4731.22(B)(20), Ohio Revised Code, based upon a violation of Rule 4731-03-11, Ohio Administrative

3-13-1997
11-13-1996

Code. The Board further concluded that Mr. DelliQuadri's removal of the examination from the testing site had been "apparently inadvertent." Moreover, the Board approved Mr. DelliQuadri's application for re-examination for a certificate to practice massage therapy in Ohio. (St. Ex. 3)

- b. On or about June 12, 1996, the Board proposed denying Mr. DelliQuadri's application for restoration of his massage therapy certificate. A hearing was held on September 5, 1996, and a Report and Recommendation was issued on September 27, 1996. (St. Ex. 3)

The Board found that, on September 1, 1993, it had suspended Mr. DelliQuadri's certificate for his failure to pay the required renewal fee. The Board further found that Mr. DelliQuadri had continued to practice massage therapy from September 1993 through August or October 1995. (St. Ex. 3)

The Board concluded that Mr. DelliQuadri had violated Section 4731.22(B)(20), Ohio Revised Code based upon violations of Sections 4731.15 and 4731.41, Ohio Revised Code. The Board further concluded that Mr. DelliQuadri had violated Section 4731.22(B)(16). The Board denied Mr. DelliQuadri's application for restoration of his certificate, and ordered that Mr. DelliQuadri not resubmit an application for a period of three months from the effective date of the Order. (St. Ex. 3)

Mr. DelliQuadri's March 14, 1997, Application for Massage Restoration

3. On or about March 14, 1997, Mr. DelliQuadri submitted an Application for Massage Restoration. In the Massage Restoration Additional Information section of that application, Mr. DelliQuadri answered "No" to question 13 which asked, "Have you ever been convicted or found guilty of a violation of federal law, state law, or municipal ordinance other than a minor traffic violation?" Moreover, language above the signature line of the Affidavit and Release of Applicant states that "I further understand that the issuance of the restoration of my certificate to practice massage in Ohio will be considered on the truth of the statements and documents contained herein or to be furnished, which if false, can subject me to denial of said certificate." (St. Ex. 2)

On or about October 8, 1997, the Board voted to grant Mr. DelliQuadri's application for restoration of his certificate to practice massage therapy in Ohio. (Board Exhibit [Bd. Ex.] A)

Nevertheless, despite Mr. DelliQuadri's denial of having been convicted of a crime, in 1996 Mr. DelliQuadri had pleaded no contest to, and had been found guilty of, minor misdemeanor disorderly conduct in the Girard Municipal Court, Trumbull County, Ohio. Mr. DelliQuadri was fined \$25 plus costs. (St. Ex. 4; Tr. at 32-36)

4. Regarding his failure to advise the Board of the criminal conviction, Mr. DelliQuadri testified that his father's secretary had filled out Mr. DelliQuadri's restoration application, but had not been aware of Mr. DelliQuadri's 1996 minor misdemeanor conviction. Mr. DelliQuadri further testified that, after his father's secretary had filled it out, she asked Mr. DelliQuadri to sign it. Mr. DelliQuadri testified that he did so, without first reviewing the document. Mr. DelliQuadri stated:

I know it sounds crazy, but I didn't read it. I mean, it was very irresponsible, I know. I still can't believe it, to be honest with you, but I—I wasn't doing real well in my life at that time, and I didn't read it. I signed it because I thought, well, I'd like to keep my license. So [she] said sign it, so I signed it.

(Tr. at 62-63) Mr. DelliQuadri stated that he had not intended to deceive the Board. As support for that statement, Mr. DelliQuadri noted that, in his May 5, 1999, application for biennial renewal of his certificate, he had disclosed a 1998 action for which he had received treatment in lieu of conviction. (Respondent's Exhibit [Resp. Ex.] B; Tr. at 63-64)

Mr. DelliQuadri's August 3, 1998, Guilty Pleas and Treatment in Lieu of Conviction

5. At hearing, the parties stipulated that the following facts are true: on or about July 27, 1998, Mr. DelliQuadri overdosed on heroin, was unconscious on the floor, and was thereafter ordered into treatment. (Tr. at 16)

Mr. DelliQuadri testified that he had been using heroin for "a couple months" prior to overdosing on July 27, 1998. Mr. DelliQuadri further stated that he had also previously used other drugs. (Tr. at 37)

6. On or about August 3, 1998, in the Girard Municipal Court, Mr. DelliQuadri pleaded guilty to two misdemeanor counts of violating Section 2925.11(A), Ohio Revised Code, Drug Abuse; and one misdemeanor count of violating Section 2925.12(A), Ohio Revised Code, Possessing Drug Abuse Instruments. The court found that the statutory criteria for treatment in lieu of conviction had been met, granted Mr. DelliQuadri's motion for treatment in lieu of conviction, and took Mr. DelliQuadri's pleas of guilty "under advisement for 2 years." In doing so, the court required that Mr. DelliQuadri successfully complete the drug abuse treatment program at Western Michigan Teen Challenge [Teen Challenge], that Mr. DelliQuadri abstain from the use of alcohol and illegal drugs, and that Mr. DelliQuadri submit to random drug and alcohol testing. The court further required that Mr. DelliQuadri comply with all rules of the probation department for a period of two years. (St. Ex. 5; Resp. Ex. J)

Mr. DelliQuadri testified that he was ordered into the Teen Challenge program. Moreover, Mr. DelliQuadri testified that he was not given a choice of programs. (Tr. at 64-65)

addiction or abuse, or an alcohol problem? If yes, you must have your treating physician(s) submit a letter directly to the Board on your behalf summarizing dates of treatment, etc.

11. Have you ever been treated but not hospitalized for emotional or mental illness, drug addiction or abuse, or an alcohol problem? If yes, you must have your treating physician(s) submit a letter directly to the Board on your behalf summarizing dates of treatment, etc.

(St. Ex. 2) Moreover, Mr. DelliQuadri did not include any statement regarding his previous attempts at rehabilitation. (St. Ex. 2)

11. On August 26, 1999, Mr. DelliQuadri's completed over 12 months of rehabilitation at Teen Challenge. (Resp. Exs. C and F; Tr. at 70)

Note that Mr. DelliQuadri did not apprise the Board of his then-current efforts at rehabilitation in his May 5, 1999, application for biennial renewal of his certificate. Mr. DelliQuadri answered "No to question 3 of that application which asked:

[At any time since signing your last application for renewal of your certificate have you:]

3.) Been addicted to or dependent upon alcohol or any chemical substance; or been treated for, or been diagnosed as suffering from, drug or alcohol dependency or abuse? You may answer "NO" to this question if you have successfully completed treatment at a program approved by this board and have subsequently adhered to all statutory requirements as contained in sections 4731.224 and 4731.25, O.R.C., and related provisions, or you are currently enrolled in a board approved program. Any questions concerning approval can be directed to the board offices.

(Resp. Ex. B) Moreover, Mr. DelliQuadri did not include any statement regarding his then-current efforts at rehabilitation at Teen Challenge. (Resp. Ex. B)

12. Steven Chadwick testified that he is Assistant to the Men's Director at Teen Challenge, Muskegon, Michigan. Mr. Chadwick testified:

Western Michigan Teen Challenge is a 12- to 13-month discipleship program. It's for people with broken lives, with life-controlling problems, whether that be alcohol or drugs. Some of the leaders come to us as prostitutes, just anything that's really got control of your life. And Teen Challenge is all scriptural, it's all Biblical. It's right out of the Bible.

We don't really believe in rehabilitation, mind you. It's rejuvenation. Old things have passed away. And I'd like to say it's all Biblical, all things have become new. Rehabilitation has to do with taking one back to its natural form, and from to us, we are all sinners, all right?

(Tr. at 89-90) Mr. Chadwick further testified that Teen Challenge is successful. Mr. Chadwick stated that it is successful because of the intervention of God, "[a]nd I know to some people that really sounds bizarre, but it's the truth, and that's what we stand on." (Tr. at 94-95)

Mr. Chadwick testified concerning the day-to-day activities at Teen Challenge:

[I]t's a very disciplined environment. It starts at 6:30 in the morning, goes straight through to 10:30 at night. Get up at 6:30 in the morning, go and have breakfast. Fifty minutes later get dressed and be ready for chapel every morning at 8:00. Chapel is an hour and a half to two hours. It kind of varies after that. There's a short break, and then you go through two Bible classes which are an hour apiece. And that's taught by a pastor.

A short break and lunch time. Then there's work duties in the afternoon from 1:00 to 5:00, and we do all our own maintenance, you're cleaning vegetables for the evening meal or cleaning the bathroom or whatever. It's just work duties on the grounds from 1:00 to 5:00. 5:15 is dinner, short break, 6:30 to 7:00 is prayer. In the evening there's another short break and from 8:15 till—7:15 to 9:00 is study hall for taking care of the morning classes, studying what you've learned and being prepared for your monthly exams.

(Tr. at 90-91)

Mr. Chadwick further testified as follows concerning the Teen Challenge program:

- a. Teen Challenge is not based on the disease concept of addiction.
- b. Teen Challenge is not a chemical dependency 12-step program.
- c. Teen Challenge does not offer aftercare to its students after they complete the program.
- d. Teen Challenge does not hold certification as a drug or alcohol treatment program from an appropriate state agency.

- e. During detoxification, medical or nursing care is not provided. Teen Challenge asks that the students be detoxified before coming there.
- f. Health care practitioners are not involved in the evaluation and treatment process.
- g. Students are evaluated when they arrive and over the first thirty days, with follow up evaluations every thirty days during their stay.
- h. Teen Challenge does not use tools to identify patterns, progression and stages of students' recovery.
- i. Teen Challenge's students do not do self-assessments.
- j. Teen Challenge does not have a network of referral agencies should a students require more expertise than Teen Challenge can offer.
- k. Teen Challenge does not offer a range of services such as detoxification, inpatient treatment, residential treatment, and outpatient services.
- l. The Teen Challenge program is not covered by any insurance program. Mr. Chadwick stated that Teen Challenge is supported by donations, and that it costs Teen Challenge \$700 per month to minister to each student. Nevertheless, Mr. Chadwick testified that Teen Challenge never turns a person away for lack of funds.

(Tr. at 96-105)

- 13. The Respondent presented three reports concerning Teen Challenge's success and effectiveness: *Teen Challenge's Proven Answer to the Drug Problem*, which is a summary of a dissertation by a Ph.D. student at Northwestern University; *An Evaluation of the Teen Challenge Treatment Program*, which is a Services Research Report by the National Institute on Drug Abuse; and an untitled report from the University of Tennessee at Chattanooga. Each of these reports indicates that Teen Challenge is a successful program. (Respondent's Substitute Exhibits G, H, and I)
- 14. By entry filed on March 5, 2001, the court noted that Mr. DelliQuadri had successfully fulfilled the requirements imposed by the court. In addition, the court further found "that the defendant is no longer drug dependent or in danger of becoming drug dependent and to such extent is rehabilitated." Finally, the court dismissed the charges against Mr. DelliQuadri, and sealed the records of the court and the police pertaining to those charges. (Respondent's Substitute Exhibit J)

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Additional Information

15. Mr. DelliQuadri testified that he had recently had business cards made which state:

Thomas J DelliQuadri M.T.
Masso therapist
over 10 years experience

Stress and pain relief at home
by appt. only [telephone no.]

(St. Ex. 7; Tr. at 41) Mr. DelliQuadri testified that the statement “over ten years experience” refers to the length of time since he was originally licensed, rather than the amount of time he has actually practiced. (Tr. at 41-43)

Mr. DelliQuadri testified that he received his supply of business card on the day that he received the Board’s December 13, 2000, notice of opportunity for hearing. (Tr. at 42, 77)

16. Mr. DelliQuadri testified that, after completing the Teen Challenge program, he and his wife returned to Youngstown, where he worked for six months at a Toys R Us warehouse. Mr. DelliQuadri testified that Toys R Us tested its new employees for drugs, and that he passed the drug test. Mr. DelliQuadri testified that, after six months in Youngstown, he and his wife moved to Columbus. (Tr. at 70-72)
17. Mr. DelliQuadri testified that he is currently employed as a sterile processor at Mount Carmel Hospital, Columbus, Ohio, and that he has been so employed for about one year. Mr. DelliQuadri further testified that his duties are to clean and organize the instruments used for surgery. (Tr. at 28-29)
18. Marva Wendel testified that she is the manager of the Sterile Processing Department at Mount Carmel System, West Campus, Columbus, Ohio. Ms. Wendel further testified that she is Mr. DelliQuadri’s direct supervisor. (Tr. at 49)

Ms. Wendel stated that, as a sterile processor, Mr. DelliQuadri is responsible for ensuring that surgical instruments are properly sterilized, that they are in good working order, and that they are assembled correctly. Ms. Wendel stated that Mr. DelliQuadri’s job requires good skills and a caring attitude toward patients that he never gets to see. Moreover, Ms. Wendel stated that mistakes made by a sterile processor can have life or death effects: “In a trauma situation, if that scissor won’t cut, that grasper won’t hold, something’s missing, to get another set, two or three minutes is a matter of life and death in some cases.” (Resp. Ex. A; Tr. at 50-51)

Ms. Wendel stated that Mr. DelliQuadri has done an excellent job as a sterile processor, and has exceeded expectations with his ability to learn the job quickly. Ms. Wendel testified that he developed skills in ninety days that normally take one year to develop. Ms. Wendel further testified that she is “the one who gets called to the room when something’s not right.” Further, “[a] lot of people make careless errors, and he’s made a couple of mislabeling something, but nothing to the magnitude that you would expect from a new employee.” Ms. Wendel stated that the quality of Mr. DelliQuadri’s work “[k]eeps [her] out of trouble.” Finally, Ms. Wendel stated that Mr. DelliQuadri “[has] been entrusted with a very important job and has done very well at it.” (Resp. Ex. A; Tr. at 51-52)

Ms. Wendel testified that she is aware of Mr. DelliQuadri’s drug abuse treatment, and of the Board’s allegations. Ms. Wendel further testified that Mr. DelliQuadri passed drug testing when he was hired. In addition, Ms. Wendel testified that Mr. DelliQuadri’s position requires “a clear mind and a good attention span.” Moreover, Ms. Wendel testified that she has seen patterns of behavior in employees who are abusing drugs and alcohol, which include absenteeism and poor job performance. Finally, Ms. Wendel testified that she has seen no such patterns with regard to Mr. DelliQuadri. (Tr. at 57-61)

19. Mr. DelliQuadri testified that he has not used any drugs or alcohol since July 27, 1998. Mr. DelliQuadri stated that he does not have any cravings for drugs or alcohol, and that he is not afraid of relapsing. Mr. DelliQuadri testified that his religious beliefs have replaced drugs in his life. (Tr. at 64-65, 73, 75-76)

Mr. DelliQuadri testified that in his spare time he writes and plays music. Mr. DelliQuadri further testified that he has performed at a bar. Moreover, Mr. DelliQuadri testified that he has not been tempted to drink while at the bar. (Tr. at 73-75)

20. Mr. DelliQuadri testified that he would like to maintain his massage therapy license in order to perform massage in his spare time. Mr. DelliQuadri further testified that he does not plan to go back to massage therapy full time. (Tr. at 76-77)

FINDINGS OF FACT

1. On or about March 14, 1997, the Board received the application of Thomas Joseph DelliQuadri, M.T., for restoration of his license to practice massage therapy [Application]. Based upon the truth of the statements and documents contained in Mr. DelliQuadri’s Application, the Board restored his license to practice massage therapy.

In the Massage Restoration Additional Information section of the Application, Mr. DelliQuadri answered, “No” to question 13, which asked, “Have you ever been convicted or found guilty of a violation of federal law, state law, or municipal ordinance

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other than a minor traffic violation?” In fact, on or about June 30, 1996, in the Girard Municipal Court, Trumbull County, Ohio, Mr. DelliQuadri pleaded no contest to, and was found guilty of, one count of Disorderly Conduct, a minor misdemeanor.

2. On or about August 3, 1998, in the Girard Municipal Court, Trumbull County, Ohio, Mr. DelliQuadri pleaded guilty to two misdemeanor counts of violating Section 2925.11, Ohio Revised Code, Drug Abuse; and one misdemeanor count of violating Section 2925.12, Ohio Revised Code, Possession of Drug Abuse Instruments. The Court found Mr. DelliQuadri to be eligible for treatment in lieu of conviction pursuant to Section 2951.041, Ohio Revised Code.
3. In order to grant Mr. DelliQuadri’s request for treatment in lieu of conviction, the Court was required by statute to find that his “drug dependence or danger of drug dependence was a factor leading to the criminal activity with which [he was] charged, and rehabilitation through treatment would substantially reduce the likelihood of additional criminal activity.”
4. The acts underlying Mr. DelliQuadri’s guilty plea and judicial finding of eligibility for treatment in lieu of conviction were that, on or about July 27, 1998, Mr. DelliQuadri was found unconscious on the floor due to an overdose of heroin.
5. From August 4, 1998, through August 26, 1999, Mr. DelliQuadri attended the substance abuse program at Western Michigan Teen Challenge [Teen Challenge], and successfully completed that program. However, Teen Challenge does not meet the criteria for an approved impaired practitioner treatment provider as set forth in Section 4731.25, Ohio Revised Code, and Chapter 4731-16, Ohio Administrative Code.

CONCLUSIONS OF LAW

1. The evidence indicated that Thomas Joseph DelliQuadri, M.T., failed to report a 1996 minor misdemeanor conviction on his March 1997 Application for Massage Restoration. Mr. DelliQuadri argued that his failure to report that conviction had been unintentional. As support for his argument, Mr. DelliQuadri testified that his father’s secretary had prepared the application, and that he had merely failed to review the application before signing it. Further, Mr. DelliQuadri called attention to the fact that he subsequently reported a 1998 finding of eligibility for treatment in lieu of conviction on his 1999 application for biennial renewal of his certificate.

Nevertheless, Mr. DelliQuadri’s credibility is an issue. For example, evidence was presented that, in December 1987, when confronted by Board investigators concerning his leaving an examination site with his massage therapy examination, Mr. DelliQuadri related a falsehood concerning receiving a speeding ticket. Further, the evidence indicated

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that Mr. DelliQuadri had undergone numerous treatments for substance abuse dating back to 1983; however, Mr. DelliQuadri failed to apprise the Board of that information in his March 1997 Application for Massage Restoration, or in his 1999 application for biennial renewal of his certificate. Moreover, Mr. DelliQuadri's massage therapy business cards indicate that he has "over ten years experience," although the evidence indicates that he worked as a massage therapist only from September 1993 through October 1995. For these reasons, Mr. DelliQuadri is not found to be a credible witness.

Accordingly, the evidence is sufficient to support a conclusion that the failure of Mr. DelliQuadri to apprise the Board of his June 30, 1996, conviction for minor misdemeanor Disorderly Conduct, as set forth in Findings of Fact 1, constitutes "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code, as in effect prior to March 9, 1999.

2. The failure of Mr. DelliQuadri to apprise the Board of his June 30, 1996, conviction for minor misdemeanor Disorderly Conduct, as set forth in Findings of Fact 1, and as discussed in Conclusions of Law 1, constitutes "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect prior to March 9, 1999.
3. The evidence is sufficient to support a conclusion that the acts, conduct, and/or omissions of Mr. DelliQuadri underlying the judicial finding of eligibility for treatment in lieu of conviction, as set forth in Findings of Fact 2 through 4, constitute "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

* * * * *

The evidence indicates that Mr. DelliQuadri failed to report a minor misdemeanor conviction on his March 1997 Application for Massage Restoration. Such conduct impedes the Board's ability to protect the citizens of Ohio, and merits suspension from practice.

In addition, the evidence indicates that Mr. DelliQuadri suffered from a substance abuse problem that continued for many years, and that Mr. DelliQuadri overdosed on heroin in July 1998. As a result of a subsequent court action, Mr. DelliQuadri entered a treatment program that was based on religious tenets rather than on a disease model of addiction, remained in treatment for just over one year, and completed the program in August 1999. Nevertheless, the treatment program that Mr. DelliQuadri completed was not offered by a Board-approved treatment provider, nor does it qualify as such under the Ohio Medical Practices Act and the rules promulgated thereunder. Accordingly, in order for Mr. DelliQuadri to resume practice, it will be necessary that he undergo treatment and monitoring that comply with Chapter 4731-16, Ohio Administrative Code.

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PROPOSED ORDER

- A. **STAYED PERMANENT REVOCATION; SUSPENSION OF CERTIFICATE:** The certificate of Thomas Joseph DelliQuadri, M.T., to practice massage therapy in the State of Ohio shall be PERMANENTLY REVOKED. The permanent revocation is stayed, and Mr. DelliQuadri's certificate is SUSPENDED for an indefinite period of time, but not less than one year.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Mr. DelliQuadri's certificate to practice massage therapy unless all of the following conditions are met:

1. **Application and Fees:** Mr. DelliQuadri shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Completion of Inpatient Treatment:** Mr. DelliQuadri shall complete a minimum of 28 days of inpatient or residential treatment, or a combination thereof, for his chemical dependency. Such inpatient or residential treatment shall be completed without interruption. Further, such inpatient or residential treatment shall be provided in accordance with Rule 4731-16-08(A)(13), Ohio Administrative Code, by a treatment provider approved under Section 4731.25, Ohio Revised Code.

In addition, upon discharge from treatment, Mr. DelliQuadri shall enter into, and thereafter maintain compliance with, a post-discharge aftercare contract which complies with Rule 4731-16-10, Ohio Administrative Code, with a treatment provider approved under Section 4731.25, Ohio Revised Code, who has access to Mr. DelliQuadri's treatment records.

3. **Demonstration of Ability to Resume Practice:** Mr. DelliQuadri shall demonstrate to the satisfaction of the Board that he can practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include, but not be limited to, the following:
 - a. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Mr. DelliQuadri has successfully completed the required inpatient treatment.
 - b. Evidence of continuing full compliance with an aftercare contract.
 - c. Two written reports indicating that Mr. DelliQuadri's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or

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providers approved by the Board for making such assessments and shall describe the bases for this determination.

4. **Releases:** Upon submission of his application, Mr. DelliQuadri shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide or have provided evaluation, treatment or aftercare for Mr. DelliQuadri's chemical dependency and related conditions, to the Board, to treating and monitoring physicians, and to others involved in the monitoring process. Mr. DelliQuadri shall also provide the Board written consent permitting any treatment provider from whom Mr. DelliQuadri obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract.
 5. **Absence from Practice:** In the event that Mr. DelliQuadri has not been engaged in the active practice of massage therapy for a period in excess of two years prior to the submission of his application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Mr. DelliQuadri's fitness to resume practice.
- C. **PROBATIONARY CONDITIONS:** Upon reinstatement or restoration, Mr. DelliQuadri's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Obey Laws in Ohio:** Mr. DelliQuadri shall obey all federal, state and local laws; and all rules governing the practice of medicine in Ohio.
 2. **Quarterly Declarations:** Mr. DelliQuadri shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the reinstatement or restoration of Mr. DelliQuadri's certificate, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Appearances:** Mr. DelliQuadri shall appear in person for an interview before the full Board or its designated representative during the third month following the reinstatement or restoration of Mr. DelliQuadri's certificate, provided that if the effective date is on or after the 16th day of the month, the first personal appearance must occur during the fourth month following. Mr. DelliQuadri must also appear every three months thereafter, and/or as otherwise requested by the Board.

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If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the Board will normally give Mr. DelliQuadri written notification of scheduled appearances, it is Mr. DelliQuadri's responsibility to know when personal appearances will occur. If he does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Mr. DelliQuadri shall immediately submit to the Board a written request to be notified of his next scheduled appearance.

4. **Abstention from Drugs**: Mr. DelliQuadri shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Mr. DelliQuadri's history of chemical dependency.
5. **Abstention from Alcohol**: Mr. DelliQuadri shall abstain completely from the use of alcohol.
6. **Rehabilitation Program**: Mr. DelliQuadri shall maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval. Mr. DelliQuadri shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Mr. DelliQuadri's quarterly declarations.
7. **Drug & Alcohol Screens; Supervising Physician; Refrain from Practice Until Approval Granted**: Mr. DelliQuadri shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Mr. DelliQuadri shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Within thirty days of the reinstatement or restoration of his certificate, Mr. DelliQuadri shall submit to the Board for its prior approval the name of a supervising physician to whom Mr. DelliQuadri shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Mr. DelliQuadri. Mr. DelliQuadri shall refrain from practicing until the Board has approved a supervising physician.

The supervising physician shall ensure that the urine specimens are obtained on a random basis, that a reliable person witnesses the giving of the specimen, and

that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the Board of any positive screening results.

Mr. DelliQuadri shall ensure that the supervising physician provides quarterly reports to the Board, on forms approved or provided by the Board, verifying whether all urine screens have been conducted in compliance with this Order, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

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

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

8. **Provision of Blood or Urine for Screening without Prior Notice:** Mr. DelliQuadri shall submit blood and/or urine specimens for analysis without prior notice at such times as the Board may request, at Mr. DelliQuadri's expense.
9. **Releases:** Mr. DelliQuadri shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Mr. DelliQuadri's chemical dependency or related conditions, or for purposes of complying with this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Mr. DelliQuadri shall provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.
10. **Compliance with Post Discharge Aftercare Contract:** Mr. DelliQuadri shall provide the Board with acceptable documentation evidencing continued compliance with the terms of the aftercare contract entered into with an approved treatment provider, provided that where the terms of the aftercare contract conflict with the terms of this Order, the terms of this Order shall control. The documentation must be



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EXCERPT FROM THE DRAFT MINUTES OF JUNE 13, 2001

REPORTS AND RECOMMENDATIONS

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

Dr. Bhati 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 matter of Angel L. Bruno, M.D.; Bert David Collier, Jr., M.D.; Thomas Joseph DelliQuadri, M.T.; Leonard Krivitsky, M.D.; Sami I. Michael, M.D. A roll call was taken:

| | | |
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| ROLL CALL: | Mr. Albert | - aye |
| | Dr. Talmage | - aye |
| | Dr. Somani | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Stienecker | - aye |
| | Dr. Agresta | - aye |
| | Dr. Steinbergh | - aye |
| | Dr. Bhati | - aye |

Dr. Bhati 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. Talmage | - aye |
| | Dr. Somani | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Stienecker | - aye |
| | Dr. Agresta | - aye |
| | Dr. Steinbergh | - aye |
| | Dr. Bhati | - aye |

Dr. Bhati noted that, in accordance with the provision in Section 4731.22(F)(2), 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.

Dr. Bhati 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.

.....
THOMAS JOSEPH DELLIQUADRI, M.T.

Dr. Bhati directed the Board's attention to the matter of Thomas Joseph DelliQuadri, M.T. He advised that objections were filed to Hearing Examiner Porter's Report and Recommendation and were previously distributed to Board members.

DR. SOMANI MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF THOMAS JOSEPH DELLIQUADRI, M.T. DR. STEINBERGH SECONDED THE MOTION.

Dr. Bhati stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that Mr. DelliQuadri has been untruthful about a number of things. Although she is not opposed to the Proposed Order, she would like to offer an amendment.

DR. STEINBERGH MOVED TO AMEND PARAGRAPH A OF THE PROPOSED ORDER IN THE MATTER OF THOMAS JOSEPH DELLIQUADRI, M.T., TO INCREASE THE MINIMUM SUSPENSION PERIOD TO TWO YEARS. SHE FURTHER MOVED TO ADD THE FOLLOWING AS PARAGRAPH B.3.d:

Mr. DelliQuadri shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the approval of the Board or its designee.

DR. BUCHAN SECONDED THE MOTION.

Dr. Buchan stated that he had debated asking for a harsher Order. Mr. DelliQuadri overdosed on heroin in July 1998, and an increased suspension period is appropriate. The pattern of deceit and drug abuse is severe. Dr. Buchan stated that he could support the Recommendation as written, but he had entertained the thought of revocation in this matter.

Dr. Somani stated that he also agrees with the two-year suspension. Throughout the Report and Recommendation, the Board sees a number of times where Mr. DelliQuadri has lied, has not told the truth. Also, the rehabilitation program, no matter what Mr. DelliQuadri claims it to be, is one about which the Board has no information. It's not one of the approved programs and it therefore becomes difficult to accept his word that this program has been so successful for him. The requirement for drug screens is appropriate.

Dr. Agresta stated that, considering the severity of the problem, he could have easily gone for revocation, like Dr. Buchan suggested. However, a two-year suspension with the other limitations seems appropriate.

Dr. Steinbergh stated that her reasoning for the two-year suspension is that, from talking with physicians who have been suspended, the two years is a much more dramatic thing than one year and should alert that particular person to the severity of this Order. If, after two years, the probationary terms are met, she thinks it will be okay. Mr. DelliQuadri clearly needs to delve into some professional ethics, because he has none.

Mr. Dilling asked for a clarification of Dr. Steinbergh's motion. He noted that paragraph B.5 of the Proposed Order states that if Mr. DelliQuadri is out of practice for two years he must demonstrate a fitness to return to practice. Dr. Steinbergh's motion is now taking him out of practice for at least two years. He asked whether Dr. Steinbergh wants him to pass the practical portion of the Massage Therapy examination to demonstrate his fitness to return to practice.

Dr. Steinbergh stated that she does. The following was added to her motion:

DR. STEINBERGH FURTHER MOVED TO AMEND PARAGRAPH B.5 BY SUBSTITUTING THE FOLLOWING:

Competency Examination: Mr. DelliQuadri shall take and pass the practical portion of the massage therapy examination or any similar written examination that the Board may deem appropriate to assess clinical competency.

DR. BUCHAN, AS SECOND, AGREED TO THE ADDITION. A vote was taken on Dr. Steinbergh's motion to amend:

| | | |
|-------|-------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Talmage | - aye |
| | Dr. Somani | - aye |

| | |
|----------------|-----------|
| Dr. Buchan | - aye |
| Mr. Browning | - aye |
| Ms. Sloan | - aye |
| Dr. Stienecker | - aye |
| Dr. Agresta | - aye |
| Dr. Garg | - abstain |
| Dr. Steinbergh | - aye |
| Dr. Bhati | - aye |

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF THOMAS JOSEPH DELLIQUADRI, M.T. DR. SOMANI SECONDED THE MOTION. A vote was taken:

| | | |
|-------|----------------|-----------|
| Vote: | Mr. Albert | - abstain |
| | Dr. Talmage | - aye |
| | Dr. Somani | - aye |
| | Dr. Buchan | - aye |
| | Mr. Browning | - aye |
| | Ms. Sloan | - aye |
| | Dr. Stienecker | - aye |
| | Dr. Agresta | - aye |
| | Dr. Garg | - abstain |
| | Dr. Steinbergh | - aye |
| | Dr. Bhati | - aye |

The motion carried.



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

December 13, 2000

Thomas Joseph DelliQuadri, M.T.
48 East Liberty Street
Girard, Ohio 44420

Dear Mr. DelliQuadri:

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, permanently 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 14, 1997, the State Medical Board of Ohio ("Board") received your application for restoration of your license to practice massage therapy ("Application"). Based upon the truth of the statements and documents contained in your Application, the State Medical Board of Ohio restored your license to practice massage therapy.

On your Application, you answered "No" to question number thirteen (13), "Have you ever been convicted or found guilty of a violation of federal law, state law, or municipal ordinance other than a minor traffic violation?" In fact, on or about June 30, 1996, in the Girard Municipal Court, Trumbull County, Ohio, you pled no contest to and were found guilty of one count of "Dis. -M-M.," Disorderly Conduct; Intoxication, a minor misdemeanor.

- (2) On or about August 8, 1998, in the Girard Municipal Court, Trumbull County, Ohio, you pled guilty to two (2) misdemeanor counts of Drug Abuse in violation of Section 2925.11, Ohio Revised Code and one (1) count of Possession of Drug Abuse Instruments in violation of Section 2925.12. The Court found you eligible for Treatment in Lieu of Conviction pursuant to Section 2951.041, Ohio Revised Code.
- (3) Moreover, in order to grant your request for Treatment in Lieu of Conviction, the Court was required by statute to find that your "drug dependence or danger of drug dependence was a factor leading to the criminal activity with which (you were) charged, and rehabilitation through treatment would substantially reduce the likelihood of additional criminal activity."

Mailed 12-14-00

- (4) The acts underlying your guilty plea and judicial finding of Treatment in Lieu of Conviction were that police officers arrived at a scene where an overdose was reported, and found you unconscious on the floor. The police officers were told by your wife that you overdosed on heroin, and that you and she had injected heroin. The police officers found heroin, syringes, and marijuana at the scene.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code, as in effect prior to March 9, 1999.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect prior to March 9, 1999.

Further, your acts, conduct, and/or omissions underlying this judicial finding of Eligibility for Treatment in Lieu of Conviction for two violations of Section 2925.11, Ohio Revised Code, Drug Abuse, and a violation of Section 2925.12, Ohio Revised Code, Possession of Drug Abuse Instruments, as alleged in paragraphs (2), (3) and (4) above, individually and/or collectively, constitute "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4731.22(B)(26), 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, 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 (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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice massage therapy or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, 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,

A handwritten signature in black ink, appearing to read "Anand G. Garg". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Anand G. Garg, M.D.
Secretary

AGG/krt
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5140 3846
RETURN RECEIPT REQUESTED

Duplicate mailing to: 1812 Windgate Court
Columbus, Ohio 43229

CERTIFIED MAIL # 7000 0600 0024 5140 3853
RETURN RECEIPT REQUESTED



STATE MEDICAL BOARD OF OHIO

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

November 15, 1996

Thomas J. DelliQuadri, M.T.
62 E. Liberty Street
Girard, Ohio 44420

Dear Mr. DelliQuadri:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Esq., Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 13, 1996, including Motions approving and confirming the Findings of Fact, and the Conclusions of Law 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 a copy of that Notice of Appeal with 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 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Thomas E. Gretter, M.D.

Secretary

TEG:em
Enclosures

CERTIFIED MAIL RECEIPT NO. P 152 982 813
RETURN RECEIPT REQUESTED

cc: Larry D. Wilkes, Esq.

CERTIFIED MAIL RECEIPT NO. P 152 982 814
RETURN RECEIPT REQUESTED

Mailed 12-3-96



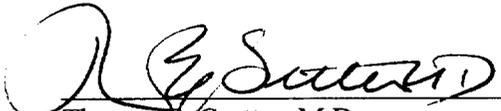
STATE MEDICAL BOARD OF OHIO

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

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Sharon W. Murphy, Esq., Attorney Hearing Examiner, State Medical Board; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 13, 1996, including Motions approving and confirming the Findings of Fact, and the Conclusions of Law 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 Thomas J. DelliQuadri, M.T., 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 E. Gretter, M.D.
Secretary

(SEAL)

11/20/96
Date



STATE MEDICAL BOARD OF OHIO

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

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

THOMAS J. DELLIQUADRI, M.T.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 13th day of November, 1996.

Upon the Report and Recommendation of Sharon W. Murphy, Hearing Examiner, Medical Board, in this matter designated 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.

It is hereby ORDERED that:

1. The request of Thomas J. DelliQuadri, M.T., for restoration of his certificate of to practice massage therapy is DENIED.
2. Mr. DelliQuadri shall not resubmit an application for restoration for three months following the effective date of this Order.

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

Thomas E. Gretter, M.D.
Secretary

(SEAL)

11/20/96

Date

1996-17-1-103

**REPORT AND RECOMMENDATION
IN THE MATTER OF THOMAS J. DELLIQUADRI, M.T.**

The Matter of Thomas J. DelliQuadri, M.T., was heard by Sharon W. Murphy, Esq., Attorney Hearing Examiner for the State Medical Board of Ohio, on September 5, 1996.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated June 12, 1996, the State Medical Board of Ohio [Board] notified Thomas J. DelliQuadri, M.T., that it had proposed to deny his request for restoration of his Ohio massage therapy license. The Board proposed this action based on the allegation that, after failing to renew his license in September 1993, Mr. DelliQuadri had practiced massage without a valid license through October 1995. The Board alleged that this conduct constitutes "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: Sections 4731.15 and 4731.41, Ohio Revised Code, and "[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." In addition, the Board advised Mr. DelliQuadri of his right to request a hearing in this matter. (State's Exhibit 1).
- B. On July 9, 1996, Larry D. Wilkes, Esq., submitted a written hearing request on behalf of Mr. DelliQuadri. (State's Exhibit 2).

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by James M. McGovern, Assistant Attorney General.
- B. On behalf of Respondent: Larry D. Wilkes, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Presented by the Respondent: Thomas J. DelliQuadri, M.T.

II. Exhibits Presented

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

A. Presented by the State

1. State's Exhibit 3: Copy of a July 10, 1996, letter to Mr. Wilkes from the Board, advising that a hearing in this matter had been scheduled for July 23, 1996, but further advising that the hearing had been postponed pursuant to Section 119.09, Ohio Revised Code.
2. State's Exhibit 4: Copy of a July 12, 1996, letter to Mr. Wilkes from the Board, scheduling the hearing for September 5, 1996. (2 pp.)
3. State's Exhibit 5: Certified copy of Mr. DelliQuadri's Application for Massage Restoration, filed January 15, 1996. (9 pp.)
4. State's Exhibit 6: Affidavit of Debra L. Jones, Chief of Continuing Medical Education, Records and Renewal for the Board, regarding the status of Mr. DelliQuadri's certificate to practice massage therapy.

B. Presented by the Respondent

1. Respondent's Exhibit A: Copy of a January 19, 1996, letter to the Board from A.S. DelliQuadri, D.C., Mr. DelliQuadri's former employer.
2. Respondent's Exhibit B: Copy of a May 13, 1996, letter to the Board from Mr. DelliQuadri, requesting restoration of his certificate.

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. Thomas J. DelliQuadri, M.T., received a degree in massage therapy from the Ohio College of Massotherapy in Akron, Ohio, in July 1991. Mr. DelliQuadri accepted a position with his father, A.S. DelliQuadri, D.C., Inc. He practiced

with his father until October 1995, when his position was terminated because his father "downsized" the business. Mr. DelliQuadri is currently seeking new employment. (State's Exhibit [St. Ex.] 5 at 2; Respondent's Exhibit [Resp. Ex.] A; Transcript [Tr. at.] at 14-16).

2. On September 1, 1993, Mr. DelliQuadri failed to pay the required fees for renewal of his certificate to practice massage therapy. Accordingly, his certificate was suspended as a matter of law. (St. Ex. 6).
3. Mr. DelliQuadri practiced massage therapy without a license from September 1993 until August or October 1995. (St. Ex. 5; Tr. at 15-16).
4. Mr. DelliQuadri testified at hearing that when he was employed by his father, his father agreed to purchase all necessary massage oil, tables and sheets. Moreover, his father agreed to pay Mr. DelliQuadri's license renewal fees. Mr. DelliQuadri testified that he believed his father had paid his renewal fees when due. (Tr. at 13, 21. See also Resp. Ex. A). Mr. DelliQuadri further testified that he changed residences a few times since first registering with the Board. Moreover, due to personal difficulties with his wife, Mr. DelliQuadri did not regularly receive his mail. He stated that he did not receive notification from the Board in 1993 or in 1995 that renewal fees were due. (Tr. at 14-16). Mr. DelliQuadri admitted, however, that he did not inform the Board of his changes of address. (Tr. at 21).

Mr. DelliQuadri further testified that he did not realize that his certificate had expired until January 1996, when his father questioned him about renewal fees. (Tr. at 16-17). Thereafter, Mr. DelliQuadri submitted his application for restoration of his certificate. (St. Ex. 5). Mr. DelliQuadri testified that he had not intended to practice massotherapy without a certificate; nor had he intended to deceive the Board. (Tr. at 18).

FINDINGS OF FACT

1. On September 1, 1993, the Board suspended Thomas J. DelliQuadri's certificate to practice massotherapy due to Mr. DelliQuadri's failure to pay the required fees for renewal.
2. Mr. DelliQuadri practiced massage therapy without a certificate from September 1993 until August or October 1995.

CONCLUSIONS

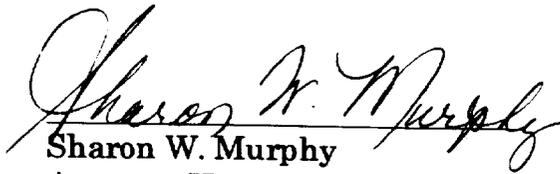
1. Mr. DelliQuadri's conduct, as set forth in Findings of Fact 1 and 2, constitutes "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.15, Ohio Revised Code.
2. Mr. DelliQuadri's conduct, as set forth in Findings of Fact 1 and 2, constitutes "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.
3. Mr. DelliQuadri's conduct, as set forth in Findings of Fact 1 and 2, constitutes "[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.

PROPOSED ORDER

It is hereby ORDERED that:

1. The request of Thomas J. DelliQuadri, M.T., for restoration of his certificate of to practice massage therapy is DENIED.
2. Mr. DelliQuadri shall not resubmit an application for restoration for six months following the effective date of this Order.

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


Sharon W. Murphy
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 NOVEMBER 13, 1996

REPORTS AND RECOMMENDATIONS

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

Dr. Stienecker 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: Archie W. Bedell, M.D., and Walter Woodhouse, M.D.; Thomas J. Delliquadri, M.T.; Atul S. Goswami, M.D.; Robert D. Kukla, M.D.; Gregory Spencer Mynko, M.D.; Adam George Paoni, D.O.; and the hearing records and reports of *Goldman* hearings and recommendations on the following: Alexis Medical Center; Robert H. Bell, M.D. & The Orthopaedic Surgeons, Inc.; Jerome P. Davidson, D.P.M.; Larry S. Fields, M.D., John H. Darnell, Jr., M.D., and Robert J. Thomas, M.D., of the Family Medicine Center; Rose A. Gowdey & the Potomac Massage Training Institute; James A. Johnson, D.O.; Jeffrey R. Kontak, M.D. & The Wadsworth-Rittman Area Family Practice, Inc.; Dewey O. Mays, Jr., M.D.; Teresita Morales, M.D.; Charles W. Nadolski; Muhammad Najjar, M.D.; Sanjiv S. Patel, M.D.; Susan W. Perlman, M.D.; Lakshmanaraju S. Raju, M.D.; Swaroop Rani, M.D.; Neil Alan Shank, D.O.; and Darrell K. Wells, M.D.

A roll call was taken:

| | | |
|------------|----------------|-------|
| ROLL CALL: | Mr. Albert | - aye |
| | Dr. Bhati | - aye |
| | Dr. Heidt | - aye |
| | Dr. Gretter | - aye |
| | Dr. Egner | - aye |
| | Dr. Agresta | - aye |
| | Dr. Buchan | - aye |
| | Mr. Sinnott | - aye |
| | Dr. Garg | - aye |
| | Dr. Stienecker | - aye |

Dr. Heidt stated that he did not read the hearing record in the matter of Archie W. Bedell, M.D., and Walter Woodhouse, M.D.

Dr. Stienecker 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. Heidt | - aye |
| Dr. Gretter | - aye |
| Dr. Egner | - aye |
| Dr. Agresta | - aye |
| Dr. Buchan | - aye |
| Mr. Sinnott | - aye |
| Dr. Garg | - aye |
| Dr. Stienecker | - 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 this matter.

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

.....

REPORT AND RECOMMENDATION IN THE MATTER OF THOMAS J. DELLIQUADRI, M.T.

Dr. Stienecker stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board members present.

DR. BHATI MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF THOMAS J. DELLIQUADRI, M.T. DR. GARG SECONDED THE MOTION.

Dr. Stienecker asked whether there were any questions or comments concerning the proposed findings of fact, conclusions and order in the above matter.

Dr. Egner stated that the Proposed Order is to deny restoration of Mr. DelliQuadri's license, but to allow Mr. DelliQuadri to reapply.

Dr. Garg stated that Mr. DelliQuadri would not be permitted to reapply for six months.

Dr. Egner stated that she doesn't understand the rationale behind the Proposed Order.

Mr. Sinnott stated that he interprets the Proposed Order as calling for a sanction for Mr. DelliQuadri's actions without removing him indefinitely from practice.

Dr. Egner commented that Mr. DelliQuadri has already been removed from practice for over a year because of his failure to renew his certificate and his continued practice under the expired certificate.

Dr. Garg stated that Mr. DelliQuadri was not licensed and continued to practice. He is now applying for restoration of his license.

Dr. Stienecker stated that that is the crux of this matter. Mr. DelliQuadri practiced without a license.

Dr. Egner indicated that she understands.

Dr. Buchan noted that Mr. DelliQuadri has not practiced since October 1995.

Dr. Egner stated that she can see where Mr. DelliQuadri thought that his fee was being paid, and he did notify the Board when he learned that it wasn't. That's when it came to the Board's attention.

Dr. Heidt stated that Mr. DelliQuadri apparently relied on his father to do everything for him. He questioned requiring Mr. DelliQuadri to wait six months before reapplying for restoration.

DR. HEIDT MOVED TO AMEND PARAGRAPH 2 OF THE BOARD'S PROPOSED ORDER IN THE MATTER OF THOMAS J. DELLIQUADRI, M.T., TO READ AS FOLLOWS:

2. Mr. DelliQuadri shall not resubmit an application for restoration for three (3) months following the effective date of this Order.

DR. BHATI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

DR. GARG MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF THOMAS J. DELLIQUADRI, M.T. DR. HEIDT SECONDED THE MOTION. A vote was taken:

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

The motion carried.



STATE MEDICAL BOARD OF OHIO
17 SOUTH HIGH STREET, 17TH FLOOR, COLUMBUS, OHIO 43260-0315

June 12, 1996

Charles D. Stienecker, M.D.
President
Wapakoneta, Ohio

Nora M. Noble
Vice-President
Newark, Ohio

Thomas E. Gretter, M.D.
Secretary
Cleveland, Ohio

Raymond J. Albert
Supervising Member
Amanda, Ohio

Ronald C. Agresta, M.D.
Board Member
Steubenville, Ohio

Anant R. Bhati, M.D.
Board Member
Cincinnati, Ohio

David S. Buchan, D.P.M.
Board Member
Westerville, Ohio

Carol L. Egner, M.D.
Board Member
Cincinnati, Ohio

Anand G. Garg, M.D., Ph.D.
Board Member
Boardman, Ohio

Robert S. Heidt, Sr., M.D.
Board Member
Cincinnati, Ohio

Bradley K. Sinnott, Esq.
Board Member
Columbus, Ohio

Anita M. Steinbergh, D.O.
Board Member
Westerville, Ohio

Thomas J. DelliQuadri, M.T.
54 1/2 East Liberty Street
Girard, OH 44420

Dear Mr. DelliQuadri:

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 January 19, 1996, you applied for the restoration of your certificate to practice massage in Ohio with the State Medical Board of Ohio.
- 2) Your license was suspended by operation of law on September 1, 1993, for failure to pay renewal fees. However, you continued to practice massage without a current and valid license from September 1, 1993, through October 1995.

Your acts, conduct, and/or omissions as alleged in paragraph (2) 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 4731.15, Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) 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.

Mailed 6/13/96

June 12, 1996

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute the "(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.

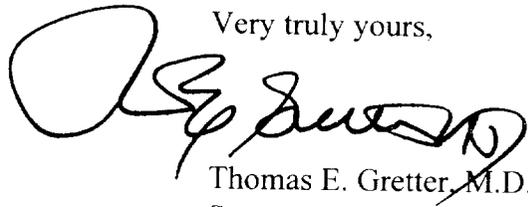
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing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

You are further advised that you are entitle 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 evident 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 152 983 424
RETURN RECEIPT REQUESTED

STATE OF OHIO
THE STATE MEDICAL BOARD
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS, OHIO 43266-0315

November 16, 1990

Thomas J. Delliquadri
62 E. Liberty Street
Girard, Ohio 44420

Dear Mr. Delliquadri:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Kevin P. Byers, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on November 14, 1990, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board.

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 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 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 290 319 273
RETURN RECEIPT REQUESTED

CC: Larry D. Wilkes, Esq.

CERTIFIED MAIL NO. P 290 319 274
RETURN RECEIPT REQUESTED

Mailed 11/16/90

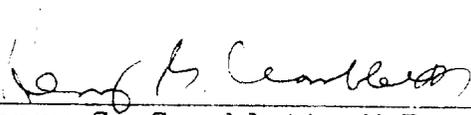
STATE OF OHIO
STATE MEDICAL BOARD

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Kevin P. Byers, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on November 14, 1990, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Thomas J. Delliquadri, 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.

(SEAL)



Henry G. Cramblett, M.D.
Secretary

November 16, 1990

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

THOMAS J. DELLIQUADRI

*

ENTRY OF ORDER

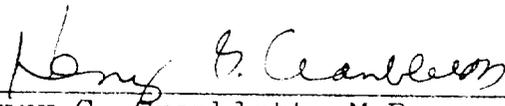
This matter came on for consideration before the State Medical Board of Ohio the 14th day of November, 1990.

Upon the Report and Recommendation of Kevin P. Byers, Attorney Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the 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 for the above date.

It is hereby ORDERED that the application of Thomas J. Delliquadri for re-examination for licensure to practice the limited branch of massage in the State of Ohio shall be and is hereby APPROVED.

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

(SEAL)



Henry G. Cramblett, M.D.
Secretary

November 16, 1990

Date

REPORT AND RECOMMENDATION
IN THE MATTER OF THOMAS J. DELLIQUADRI
OCT -4 PM 2:02

The Matter of Thomas J. DelliQuadri came on for hearing before me, Kevin P. Byers, Esq., Hearing Examiner for the State Medical Board of Ohio, on September 10, 1990.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter of June 13, 1990 (State's Exhibit #5), the State Medical Board notified Thomas J. DelliQuadri that it proposed to determine whether to limit, revoke, suspend, or refuse to register/reinstate his Ohio certificate to practice a limited branch of medicine or surgery. The Board alleged that Mr. DelliQuadri, on December 2, 1987 during the massage examination, left the examination site while in possession of his examination without having turned it in as required by the State Medical Board. The Board alleged that such conduct constituted "[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, to wit: Rule 4731-3-11, Ohio Administrative Code, Withdrawal from Room (as in effect prior to February 29, 1988).
- B. By letter received by the State Medical Board on June 27, 1990 (State's Exhibit #4), Mr. DelliQuadri requested a hearing in this Matter.

II. Appearances

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by Rachel L. Belenker, Assistant Attorney General
- B. On behalf of the Respondent: Larry D. Wilkes, Esq.

III. Testimony Heard

- A. Presented by the State
1. Thomas J. DelliQuadri, as on cross-examination
 2. Robert L. Howard, Investigator, State Medical Board
- B. Presented by the Respondent
1. Thomas J. DelliQuadri

STATE MEDICAL BOARD
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IV. Exhibits Examined

In addition to those previously noted, the following exhibits were identified and admitted into evidence in this Matter:

- A. State's Exhibit #1: July 25, 1990 Entry by the State Medical Board granting Respondent's Motion for Continuance and rescheduling the formal hearing for September 10, 1990.
- B. State's Exhibit #2: July 6, 1990 letter from the State Medical Board to Larry D. Wilkes, Esq., scheduling Mr. DelliQuadri's formal hearing for August 1, 1990.
- C. State's Exhibit #3: June 28, 1990 letter from the State Medical Board advising Mr. DelliQuadri that his formal hearing was initially scheduled for July 11, 1990 but, pursuant to Section 119.09, Ohio Revised Code, it was postponed until a later date.
- D. State's Exhibit #6: "Re-examination Supplement to Application for Massage" submitted to the State Medical Board by Mr. DelliQuadri on April 2, 1990.
- E. State's Exhibit #7: July 3, 1989 letter from the State Medical Board to Mr. DelliQuadri advising him that due to his unauthorized withdrawal from the examination room on December 2, 1987 his examination was null and void pursuant to Rule 4731-3-11, Ohio Administrative Code.
- F. State's Exhibit #8: December 2, 1987 two-page "Report of Investigation" by State Medical Board Investigator Robert L. Howard.
- G. State's Exhibit #8A: Two hand-written statements of witnesses, dated December 2, 1987.
- H. State's Exhibit #9: Investigatory deposition of Thomas J. DelliQuadri taken by the State Medical Board on October 27, 1988.
- I. State's Exhibit #10: Rule 4731-3-11, Ohio Administrative Code, as in effect on December 2, 1987.

FINDINGS OF FACT

1. On December 2, 1987 Mr. DelliQuadri undertook the written examination to obtain a massage therapist license in Ohio. The examination was conducted at the Lausche building at the Ohio State Fairgrounds in Columbus, Ohio. This examination was administered by the State Medical Board as authorized by statute. Mr. DelliQuadri previously sat for the massage examination in June of 1986, December of 1986 and June of 1987, but he was unsuccessful

STATE MEDICAL BOARD

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in obtaining a passing score on the written portion of the examination. On December 2, 1987 Mr. DelliQuadri undertook only the basic science portions of the written massage therapy examination.

These facts are established by the testimony of Mr. DelliQuadri (Tr. at 11-12, 32), State's Exhibit #6 and State's Exhibit #9 (pp. 4-7).

2. Mr. DelliQuadri completed the written basic science portions of the massage therapy examination on December 2, 1987. In the process of turning in his identification card and other related materials to the proctors in the testing room, Mr. DelliQuadri failed to turn in his examination and left the Lausche building with the examination in his possession. This was accomplished by Mr. DelliQuadri's laying down the sealed examination envelope on top of the books which he had carried into the examination room. Once Mr. DelliQuadri was advised that he was properly identified and allowed to leave the examination site, he carried his two notebooks and one textbook out to his car along with the examination and placed them on the front seat of his car.

These facts are established by the testimony of Mr. DelliQuadri (Tr. at 13-15, 25-27, 34-36) and State's Exhibit #9 (pp. 8-11).

3. Shortly after he left the examination site and was driving northbound on Interstate 71, he noticed the examination envelope on the front seat of his automobile. He immediately recognized the significance of this and at the next available crossover in the median he turned around and returned to the examination site. Upon his arrival at the Lausche building, approximately fifteen minutes after his departure, Mr. DelliQuadri went directly to the proctors who had processed him out and informed them that he had mistakenly taken his examination out of the building with him. Mr. DelliQuadri was aware that he was not allowed to take the examination and he was appropriately concerned about the effect this would have on the test he had just completed. During Mr. DelliQuadri's absence from the Lausche building and the realization that an exam was missing, a search had been conducted by State Medical Board personnel in an attempt to locate either Mr. DelliQuadri or the missing examination. Obviously these searches had been unsuccessful on both counts.

These facts are established by the testimony of both Mr. DelliQuadri and Mr. Howard (Tr. at 15-16, 40-41, 56-62) and State's Exhibit #9 (pp. 11-13).

4. Mr. DelliQuadri's sealed test envelope was accepted by one of the State Medical Board proctors at the location and he was then questioned by three investigators of the State Medical Board. During this interview Mr. DelliQuadri stated that, due to his distress over leaving the test site with the exam, he had driven so quickly back to the testing site that he had received a speeding ticket. Upon request by the investigators to

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inspect this ticket, Mr. DelliQuadri conceded that he had fabricated the ticket incident in an attempt to relay to the State Medical Board personnel how seriously he had taken his inadvertent departure from the examination site without turning in his test and that he had made a diligent effort to return it promptly.

These facts are established by the testimony of Mr. DelliQuadri and Mr. Howard (Tr. at 16-18, 28, 41, 63, 84-85) and State's Exhibit #8 and #9 (pp. 12-14).

5. Rule 4731-3-11, Ohio Administrative Code, entitled Withdrawal from Room, was in effect on December 2, 1987. This Rule provided that any applicant who withdrew himself or herself from the sight of the examiner without the examiner's permission was subject to termination of the examination. Pursuant to this Rule, Mr. DelliQuadri's examination was terminated for his departure from the Lausche building while in possession of his examination on December 2, 1987. Upon his return to the testing site and after turning in his examination he was informed that it would not be graded, and he thereby did not pass this examination.

These facts are established by the testimony of Mr. DelliQuadri, Mr. Howard (Tr. at 20, 68-69), State's Exhibit #10 and State's Exhibit #9 (p. 15).

6. In April of 1990, Mr. DelliQuadri reapplied to take the examination for licensure in the limited branch of massage. The State Medical Board responded to this reapplication by the citation letter of June 13, 1990.

These facts are established by the testimony of Mr. DelliQuadri (Tr. at 29) and State's Exhibits #5 and #6.

CONCLUSIONS

The State has proven by reliable, probative and substantial evidence that on December 2, 1987 Mr. DelliQuadri engaged in conduct which constitutes "[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, to wit: Rule 4731-3-11, Ohio Administrative Code. Rule 4731-3-11 provides in pertinent part that "[i]f any applicant withdraws himself or herself, without permission, from the sight of the examiner, his or her examination may be terminated." This rule had been properly promulgated and was in effect on December 2, 1987.

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While Mr. DelliQuadri may have subjectively believed that he had been granted permission to leave the test site, this belief is not persuasive when considered within the context of objective facts proven at hearing. Any permission which was granted to Mr. DelliQuadri was contingent upon his conformity with the departure process previously explained to all applicants. His apparently inadvertent removal of his examination envelope nullified the permission previously granted by the examiner. The above Rule allows the State Medical Board the discretion to terminate an examination for an applicant's unauthorized departure from a testing site. This sanction has been appropriately enforced by the Board's refusal to grade the December 2, 1987 exam of Mr. DelliQuadri. However, the testimony and evidence are not sufficient to establish that Mr. DelliQuadri's conduct was intentional. Nor has the Board alleged that his conduct constituted fraud, misrepresentation or deception.

Rule 4731-1-05(B), Ohio Administrative Code, provides that "an applicant will be permitted to retake the examination, but only to a total of three re-examinations." Mr. DelliQuadri has expended three of his allowable four examination attempts. Pursuant to this Rule presently in effect, Mr. DelliQuadri is eligible to undertake the massage therapy examination administered by the State Medical Board one more time.

PROPOSED ORDER

It is hereby ORDERED that the application of Thomas J. DelliQuadri for re-examination for licensure to practice the limited branch of massage in the State of Ohio shall be and is hereby APPROVED.

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

KEVIN P. BYERS
Kevin P. Byers
Attorney Hearing Examiner



STATE MEDICAL BOARD OF OHIO

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

EXCERPT FROM THE MINUTES OF NOVEMBER 14, 1990

REPORTS AND RECOMMENDATIONS

.....

Dr. Kaplansky asked if 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 Younis Asad, M.D.; David Ferrero, D.P.M.; Thomas J. Delliquadri; James D. Hites, M.D.; Hillard M. Lazarus, M.D.; Shane T. Maa, M.D.; Lincoln L. Moore, M.D.; and Franklin E. Neff, M.D. A roll call was taken:

| | | |
|------------|---------------|-------|
| ROLL CALL: | Dr. O'Day | - aye |
| | Dr. Gretter | - aye |
| | Dr. Stephens | - aye |
| | Mr. Jost | - aye |
| | Mr. Albert | - aye |
| | Dr. Ross | - aye |
| | Dr. Hom | - aye |
| | Ms. Rolfes | - aye |
| | Dr. Agresta | - aye |
| | Dr. Kaplansky | - aye |

Mr. Jost stated that he did not read the record in the matter of Franklin E. Neff, M.D., since he was the Supervising Member in this case.

Dr. Hom stated that she did not read the records in the matters of David Ferrero, D.P.M. and Hillard M. Lazarus, M.D.

.....

All Enforcement Coordinators left the meeting at this time.

.....

REPORT AND RECOMMENDATION IN THE MATTER OF THOMAS J. DELLIQUADRI

.....

DR. STEPHENS MOVED TO APPROVE AND CONFIRM MR. BYERS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF THOMAS J. DELLIQUADRI. DR. GRETTTER SECONDED THE MOTION.

.....



STATE MEDICAL BOARD OF OHIO

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

EXCERPT FROM THE MINUTES OF NOVEMBER 15, 1990
IN THE MATTER OF THOMAS J. DELLIQUADRI

Page 2

A roll call vote was taken on Dr. Stephens' motion:

| | | |
|-----------------|---------------|-----------|
| ROLL CALL VOTE: | Dr. Cramblett | - abstain |
| | Dr. O'Day | - aye |
| | Dr. Gretter | - aye |
| | Dr. Stephens | - aye |
| | Mr. Jost | - aye |
| | Mr. Albert | - aye |
| | Dr. Ross | - aye |
| | Dr. Hom | - aye |
| | Ms. Rolfes | - aye |
| | Dr. Agresta | - aye |

The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS OH 43215

June 13, 1990

Thomas J. DelliQuadri
62 East Liberty Street
Girard, OH 44420

Dear Mr. DelliQuadri:

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 a limited branch of medicine or surgery or to reprimand or place you on probation for one or more of the following reasons:

1. On or about December 2, 1987, you presented yourself to take the basic science portion of the State Medical Board of Ohio's examination for licensure in the limited branch of massage. At the end of the physiology portion of the examination, you turned your identification picture and your pledge card in to the proctors. Without the knowledge or consent of the proctors, you took your examination envelope, examination and answer sheet with you when you left the examination site.
2. Upon your later return to the examination site with your examination envelope, examination and answer sheet, you were questioned by investigator(s) of the State Medical Board of Ohio concerning your activities while you had the examination in your possession outside the examination site. You told the investigator(s) that you were driving home when you first noticed the examination envelope on top of your books on the front seat of your car. You stated that you turned around to bring the examination back and drove so fast that you were given a speeding ticket. When asked to produce the ticket, you stated that you were so upset that you thought you had thrown it out the window of your car. In fact, as you later admitted, you did not receive a speeding ticket.

Mailed 6/14/90

June 13, 1990

The acts and/or omissions as alleged in paragraph (1) 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, to wit: Rule 4731-3-11, Ohio Administrative Code, Withdrawal from Room (as in effect prior to February 29, 1988). Further, pursuant to Rule 4731-3-11, Ohio Administrative Code, Withdrawal from Room (as in effect prior to February 29, 1988), you examination was terminated and void.

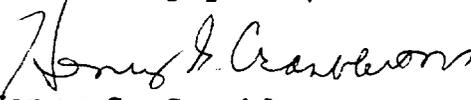
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing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

Copies of the applicable sections are enclosed for your information.

Very truly yours,


Henry G. Cramblett, M.D.
Secretary

HGC:jmb
Encls.

CERTIFIED MAIL #P 746 510 223
RETURN RECEIPT REQUESTED

cc: Bernard Wilkes, Esq.
824 City Centre One
Youngstown, OH 44501

CERTIFIED MAIL NO. P 055 325 300
RETURN RECEIPT REQUESTED