

**CONSENT AGREEMENT
BETWEEN
KELLI D. WAHL, M.T.
AND
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Kelli D. Wahl, M.T., [Ms. Wahl] and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Ms. Wahl enters into this Consent Agreement being fully informed of her rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4731.22(B)(13), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Section 4731.22(B)(13), Ohio Revised Code, as set forth in Paragraph (E) below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.
- C. Ms. Wahl is licensed to practice massage therapy in the State of Ohio, License # 33-005757.
- D. Ms. Wahl states that she is not licensed to practice massage therapy in any other state or jurisdiction.
- E. Ms. Wahl admits that on or about December 10, 1999, in the County Court for Muskingum County, Ohio, she was charged with one count of Criminal Trespass and one count of Menacing by Stalking, for which she was subsequently convicted and fined. Ms.

Wahl admits that the target of the criminal acts related to the menacing charge was the adult son of a former massage therapy client, and that the acts related to the criminal trespass occurred at the former client's home, where the adult son and his young children also lived. Ms. Wahl admits that these convictions resulted from her acts of driving past the former client's residence multiple times in rapid succession while squealing her car tires, pulling into the driveway at a high rate of speed, and yelling a profane statement regarding the adult son to his two daughters, ages seven and nine, who were playing in the yard. Ms. Wahl further admits that on or about January 14, 2001, in the County Court for Muskingum County, Ohio, she was convicted of two counts of Telephone Harassment and sentenced to ten days in jail after calling the former client's residence and leaving profane messages regarding the adult son, as well as an expression of affection for the former client, on the answering machine.

Ms. Wahl admits that she underwent a Board-ordered psychiatric evaluation on or about February 23, 2002. Ms. Wahl further admits that the evaluating psychiatrist opined that Ms. Wahl has symptoms of a mental illness with a provisional diagnosis of a Delusional Disorder, noting that, although he did not see evidence of it at the time, her delusional thinking could also be part of a Mood Disorder or other major mental illness disorder. Ms. Wahl further admits that the evaluating psychiatrist opined that Ms. Wahl appears to be able to practice massage therapy without interference from her mental illness, as he found that her delusional thinking appeared to be circumscribed to her relationship with the former client and the former client's son. Ms. Wahl further admits, however, that the evaluating psychiatrist also strongly recommended that Ms. Wahl become involved in psychological counseling to monitor her relationships for appropriateness and that she seek medication consultation with a psychiatrist. Ms. Wahl further admits that on more than one occasion in the past she has failed to comply with mental health treatment recommendations, including those related to therapy and medication.

Ms. Wahl states, and the Board acknowledges, that Ms. Wahl reported her aforementioned criminal convictions to the Board in conjunction with renewing her massage therapy certificate and cooperated with the Board in its related investigation.

AGREED CONDITIONS

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

1. Ms. Wahl shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
2. Ms. Wahl shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the

conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. Ms. Wahl shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur 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.
4. In the event that Ms. Wahl should leave Ohio for three continuous months, or reside or practice outside the State, Ms. Wahl 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 this Consent Agreement, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
5. In the event Ms. Wahl is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

MONITORING OF TREATMENT

6. Within thirty days of the effective date of this Consent Agreement, Ms. Wahl shall submit to the Board for its prior approval the names and qualifications of a psychiatrist and a mental health counselor of her choice. Upon approval by the Board, Ms. Wahl shall undergo and continue psychiatric treatment no less than monthly and counseling no less than once every two weeks, or an alternative treatment plan as otherwise directed by the Board. Ms. Wahl shall comply with her psychiatric treatment plan, including taking medications as prescribed and/or ordered for her psychiatric disorder, and counseling. Prior to initiating treatment, Ms. Wahl shall provide her approved treating psychiatrist and counselor with a copy of this Consent Agreement.

Ms. Wahl shall submit to blood testing, at her expense and as directed by her treating psychiatrist or the Board, for levels of any medication that is prescribed for her psychiatric disorder. The specimen for the medication levels must be obtained by or under the direction and supervision of Ms. Wahl's treating psychiatrist or another physician approved in advance by the Board.

Ms. Wahl shall ensure that reports are forwarded by her treating psychiatrist and counselor to the Board on a quarterly basis, or as otherwise directed by the Board. These reports shall contain information describing Ms. Wahl's current treatment plan and any changes that have been made to the treatment plan since the prior report; Ms. Wahl's compliance with her treatment plan; Ms. Wahl's mental status; Ms. Wahl's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Ms. Wahl shall ensure that her treating psychiatrist and counselor immediately notify the Board of her failure to comply with her psychiatric treatment plan and/or counseling and/or any determination that Ms. Wahl is unable to practice due to her psychiatric disorder. It is Ms. Wahl's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Ms. Wahl's quarterly declaration.

Releases

7. Ms. Wahl shall provide continuing authorization, through appropriate written consent forms, for disclosure by her treatment providers to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.

Required Reporting by Licensee

8. Within thirty days of the effective date of this Consent Agreement, Ms. Wahl shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide massage therapy services or is receiving training. Further, Ms. Wahl shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide massage therapy services, or applies for or receives training.
9. Within thirty days of the effective date of this Consent Agreement, Ms. Wahl shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license. Ms. Wahl further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which she applies for any professional license or for reinstatement of any professional license. Further, Ms. Wahl shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Ms. Wahl appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves

the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Ms. Wahl has violated any term, condition or limitation of this Consent Agreement, Ms. Wahl agrees that the violation, as alleged, also constitutes clear and convincing evidence that her continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

Ms. Wahl shall not request termination of this Consent Agreement for a minimum of five years. In addition, Ms. Wahl shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Ms. Wahl acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

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

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

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. Ms. Wahl agrees to provide her social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

EFFECTIVE DATE

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

Kelli D. Wahl, M.T.
KELLI D. WAHL, M.T.

5/13/02
DATE

Anand G. Garg
ANAND G. GARG, M.D.
Secretary

6/12/02
DATE

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member

6/12/02
DATE

Rebecca J. Albers
REBECCA J. ALBERS, ESQ.
Assistant Attorney General

6/12/02
DATE