

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
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October 14, 2009

Candy L. Hope, M.T.
415 Sunset Drive
Brookfield, OH 44403

RE: Case No. 09-CRF-060

Dear Ms. Hope:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 14, 2009, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

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

THE STATE MEDICAL BOARD OF OHIO



Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3934 3487 6635
RETURN RECEIPT REQUESTED

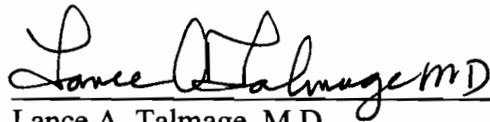
Cc: Elizabeth Y. Collis, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3934 3487 6642
RETURN RECEIPT REQUESTED

Mailed 10-16-09

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 14, 2009, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Candy L. Hope, M.T., Case No. 09-CRF-060, 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.



Lance A. Talmage, M.D.
Secretary

(SEAL)

October 14, 2009

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 09-CRF-060

CANDY L. HOPE, M.T.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on October 14, 2009.

Upon the Report and Recommendation of Gretchen L. Petrucci, 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 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:

- A. **GRANT OF RESTORATION OF MASSAGE-THERAPY CERTIFICATE; SUSPENSION:** The application of Candy L. Hope, M.T., to restore her certificate to practice massage therapy in Ohio is GRANTED, provided that she otherwise meets all statutory and regulatory requirements. Upon restoration, Ms. Hope's certificate shall be SUSPENDED immediately for a period of 60 days.
- B. **PROBATION:** Upon expiration of the 60-day suspension, Ms. Hope's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:
 - 1. **Obey the Law:** Ms. Hope shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
 - 2. **Declarations of Compliance:** Ms. Hope shall submit quarterly declarations under penalty of Board disciplinary action and/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 or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Personal Appearances:** Ms. Hope shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Ms. Hope shall also appear every six 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. **Noncompliance Will Not Reduce Probationary Period:** In the event Ms. Hope 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 under this Order.

C. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Ms. Hope's certificate will be fully restored.

D. **REQUIRED REPORTING AND DOCUMENTATION OF REPORTING:**

1. **Required Reporting to Employers and Hospitals:** Within 30 days of the effective date of this Board Order, Ms. Hope shall provide a copy of this Board Order to all employers or entities with which she is under contract to provide health care services (including but not limited to third-party payors) or is receiving training, and the Chief of Staff at each hospital or health-care center where she has privileges or appointments.

For massage therapists, the term "health care center" includes but is not limited to entities that may be referred to as a wellness center, exercise center, health club, spa, salon, or gymnasium.

Further, Ms. Hope shall promptly provide a copy of this Board Order to all employers or entities with which she contracts to provide health-care services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or health-care center where she applies for or obtains privileges or appointments. In the event that Ms. Hope provides

any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within 30 days of the effective date of this Board Order, Ms. Hope shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

This requirement shall continue until Ms. Hope receives from the Board written notification of her successful completion of probation as set forth in paragraph C, above.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Board Order, Ms. Hope shall provide a copy of this Board Order to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity through which she currently holds any license or certificate. Further, Ms. Hope shall provide a copy of this Board Order at the 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.

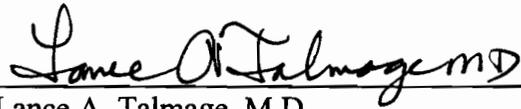
This requirement shall continue until Ms. Hope receives from the Board written notification of her successful completion of probation as set forth in paragraph C, above.

3. **Documentation that the Required Reporting Has Been Performed:** Ms. Hope shall provide the Board with **one** of the following documents as proof of each required notification within 30 days of the date of each notification required above: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Board Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Board Order to the person or entity to whom a copy of the Board Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Board Order to the person or entity to whom a copy of the Board Order was emailed.

- E. **VIOLATION OF THE TERMS OF THIS ORDER:** If Ms. Hope violates the terms of this Order in any respect, the Board, after giving her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.

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

(SEAL)



Lance A. Talmage, M.D.
Secretary

October 14, 2009
Date

2009 SEP -8 PM 3: 13

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 09-CRF-060

Candy L. Hope, M.T.,

*

Hearing Examiner Petrucci

Respondent.

*

REPORT AND RECOMMENDATION

Basis for Hearing

By letter dated May 13, 2009, the State Medical Board of Ohio [Board] notified Candy L. Hope, M.T., that it intended to determine whether to deny her application to restore her certificate to practice massage therapy in Ohio or take disciplinary action. The Board based its action on an allegation that Ms. Hope practiced massage therapy after her certificate had expired in August 2005 and after she had learned that it had expired, and that she failed to submit an application to restore her certificate until December 2008. The Board alleged that Ms. Hope's acts, conduct, and/or omissions constitute: "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as set forth in Section 4731.22(B)(10), Ohio Revised Code, to wit: Practice of medicine or any of its branches without a certificate, Section 4731.41, Ohio Revised Code.

The Board advised Ms. Hope of her right to request a hearing in this matter. (State's Exhibit 1A) On June 4, 2009, Ms. Hope requested a hearing. (State's Exhibit 1B)

Appearances at the Hearing

Richard Cordray, Attorney General, by Kyle C. Wilcox, Assistant Attorney General, on behalf of the State of Ohio.

Elizabeth Y. Collis, Esq., on behalf of Ms. Hope.

Hearing Date: August 3, 2009

PROCEDURAL MATTER

The hearing record was held open at the conclusion of the hearing in order to allow Ms. Hope the opportunity to provide the original copy of Respondent's Exhibit B. (Hearing Transcript [Tr.] at 114-115) That exhibit was thereafter received, marked and admitted. The hearing record closed on August 11, 2009.

SUMMARY OF THE EVIDENCE

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

Ms. Hope's Background and Her Practice of Massage Therapy between January 1995 and August 2005

1. The parties do not dispute the facts involved in this matter. As a result, the following facts related to the background and Ms. Hope's first ten years of massage-therapy practice are briefly listed below:
 - Candy L. Hope, M.T., attended the Ohio College of Massotherapy in Copley, Ohio. She graduated in September 1994 and passed the Board's Massage Therapy Examination in December 1994. (State's Exhibit [St. Ex.] 2 at 3; Hearing Transcript [Tr.] at 47, 73)
 - In January 1995, the Board issued Ms. Hope a certificate to practice massage therapy in Ohio. She holds no other massage-therapy licenses. (St. Ex. 4 at 2; St. Ex. 3 at 9; Tr. at 17, 20, 47, 71)
 - For the next three years, Ms. Hope practiced massage therapy full-time for two chiropractic offices. (Tr. at 49, 74)
 - In 1998, Ms. Hope opened her own massage-therapy business in her home. She continued to practice massage therapy at that location until July 1, 2009. (St. Ex. 3 at 10-12; Tr. at 48, 65-66)
 - Every other year between 1997 and 2003, the Board sent Ms. Hope applications to renew her massage-therapy certificate and she renewed her certificate. (St. Ex. 3 at 7; St. Ex. 4; Tr. at 17-18, 20, 52, 75)
 - In 2005, the Board sent the massage therapists a notice regarding the need to renew their certificates and included instructions for doing so on-line, instead of providing them a renewal application form. Although there is no direct evidence that the Board actually mailed a renewal notice specifically to Ms. Hope in 2005, the Board's records reflect that a renewal notice was printed for her in June 2005, and, under the normal business process, the Board would have sent her the renewal notice. No evidence reflects that the Board failed to mail a renewal notice to Ms. Hope in 2005. (Tr. at 20-21, 28-31; St. Ex. 4 at 3)
 - The Board's records reflect Ms. Hope's contact address for a number of years has been 415 Sunset Drive, Brookfield, Ohio. That address is her home and business address, and Ms. Hope's address has not changed during the relevant time period. (Tr. at 19, 48; St. Ex. 4)

- Ms. Hope did not apply to renew her massage-therapy certificate in 2005, and it expired on August 31, 2005. (Tr. at 20; St. Ex. 4 at 1-2)

Board Practices for Expirations and Renewal of Certificates

2. Ms. Rieve, Administrative Officer at the Board, explained that, if a licensee fails to renew a certificate, the Board does not confirm the certificate expiration, and does not inform the licensee not to practice. (Tr. at 26, 31)
3. Furthermore, Ms. Rieve stated how it is evident to an applicant who seeks to restore his/her certificate that the Board has not restored it:

The application is on the -- on the Web site is still inactive, it's been inactive since the last renewal that she completed. The -- There's no wallet card sent, there was no letter sent saying you were -- "Your application has been restored, here's your wallet card, you can practice now."

And I believe the instructions to the restoration application do say it takes at least six to eight weeks to process and that, you know, you will be notified when it's restored. But I don't have those instructions.

(Tr. at 39-40) The "wallet card" reflects the certificate number and date of its expiration.
(Tr. at 24)

Ms. Hope's Practice of Massage Therapy between September 2005 and July 2009

4. In September 2005 and thereafter, Ms. Hope continued to practice massage therapy. (St. Ex. 3 at 13; Tr. at 57)
5. In 2007, the Board did not send a renewal notice to Ms. Hope because her certificate had expired. Ms. Hope stated that she did not realize that she had not received a renewal notice from the Board in 2007. (Tr. at 31, 86)
6. In July 2008, a colleague of Ms. Hope told her that her license was listed as expired on the state's database. Ms. Hope testified that she immediately called the Board and asked what she should do to reactivate her massage-therapy certificate. Because more than two years had transpired since her certificate had expired in 2005, Ms. Hope was required to file an application for restoration of her massage-therapy certificate. Ms. Hope asked for the application form, and she received it in July 2008. Ms. Hope testified that no one told her that she could not practice massage therapy, and the application materials did not state that she could not practice massage therapy. (Tr. at 32, 55, 59-60, 86-87, 89, 95; St. Ex. 3 at 8-9)

Ms. Hope stated that, "right after" she received the application materials, her husband encountered a series of health issues, which required trips to the doctor and the hospital. Also, she did not work much through that period of time. She explained that she "simply didn't

have the money to do everything required,” and could not afford the fee to submit the restoration application. (Tr. at 96-97, 110; Resp. Ex. B)

7. On December 19, 2008, Ms. Hope filed an application for restoration of her massage-therapy certificate. Ms. Hope disclosed to the Board that she had practiced massage therapy while not holding a license. (St. Ex. 2; Tr. at 35-36, 87) Ms. Hope submitted an explanation regarding that disclosure, which states in part:

In 2005 I did not receive a renewal card for the next licensure period. I must have slipped off your mailing list somehow. I would not knowingly do anything to jeopardize my massage license.

In 2002, my husband had a stroke. In 2005, they realized that he had atrial fibrillation and he underwent a catheter ablation at the Cleveland Clinic. In 2008, he had a lung cancer lobectomy; surgery for a kidney stone attached to his uterine wall and was cardioverted for breakthrough atrial flutter.

I offer this information not as an excuse, but simply so you will have some insight into how it was possible for me to lose [sic] track of my license renewal. My main concern has been my husband's health and trying to pay my bills.

There was no intent on my part to cheat or defraud anyone. I am very sorry. I apologize for letting this get away from me.

(St. Ex. 2 at 6)

8. Ms. Hope continued to practice massage therapy until July 1, 2009. She stopped practicing upon advice from her current counsel, whom she retained in May or June 2009. (Tr. at 65-66, 94-95; St. Ex. 3 at 14)

Ms. Hope's Explanation for Continuing to Practice Massage Therapy between September 2005 and July 2009

9. Ms. Hope testified that she does not remember receiving a renewal notice from the Board in 2005. She also noted that, at that time, she was the person in her household who gathered the mail and handled it. Ms. Hope further stated that, in 2005, she did not realize that she had not renewed her certificate and did not realize that her massage-therapy certificate had expired. (Tr. at 57, 77-79, 85; St. Ex. 3 at 8, 13)
10. Ms. Hope explained that several significant issues related to her husband's health occurred in 2005, and for many months she was very busy with doctor appointments, testing and caring for him. (Tr. at 79-84; Respondent's Exhibit [Resp. Ex.] B)

11. Ms. Hope explained why she did not stop practicing massage therapy, after she had learned in 2008 that her certificate had expired, stating: "I believed that I was in process of fixing it, restoring it. That's what I thought the restoration application was for." (Tr. at 60-61) In addition, the following exchange took place:

Q. And you did not receive one of those [wallet cards] in 2008, in December, after you had sent in your application restoration, correct?

A. Well, I thought it was in process. I actually believed that because it takes -- even when you mail it on the right time, it takes a few months for it to show up; so I thought it was forthcoming.

Q. Now, let's go back to August of 2005, when your license originally -- or, when it expired. Did you find it unusual that you didn't receive a wallet card or a restoration card in the months after that?

A. In all honesty, it never even entered my head. My husband had a lot of medical problems going on and I was otherwise directed at that time.

(Tr. at 63; see also Tr. at 68, 98)

12. Similarly, Ms. Hope testified that, when she received notice from her bank that it had cashed the check for her restoration application fee, she had thought that her certificate was being restored. Moreover, when she received the Board's notice of opportunity for hearing in May 2009, it did not occur to her that she should cease practicing massage therapy. Ms. Hope stated that she knew that she did not have an active massage therapy license between July 2008 and July 2009, but had thought it was just a "clerical matter." (Tr. at 64, 90, 94, 111-112)

Ms. Hope's Additional Testimony and Exhibits

13. Ms. Hope acknowledged that it is her responsibility to maintain and monitor her certificate, including the renewal of her certificate. (Tr. at 53)

14. Ms. Hope testified that she had a full practice, with a waiting list for new clients. She also noted that it was a solo practice and she had no employees. Ms. Hope stated that she had a regular client base of 300-400 persons, who required her services to assist with their medical problems. She provided no relaxation massages. (Tr. at 51-52, 55, 98-99)

15. The following exchange reflects Ms. Hope's desires to practice as a massage therapist:

Q. * * * Do you want to keep -- continue to practice as a massage therapist in Ohio?

A. With all my heart.

Q. Why do you say that?

A. Because I love what I do. I wish I had done it all my life. I kind of think you're born a caregiver. I don't think it's something you can learn. And I am a caregiver. I take care of my family. I take care of my clients. I love taking them in and watching them go out relaxed and smiling and feeling better.

It -- The more I learn about massage therapy, the more classes I take, the more amazed I am at how much can be affected by massage therapy, how much of an effect you can have on someone's well-being. Even if just part of it is listening and they -- they talk about things, that helps. That helps get the stress out, it helps them to relax. Then I can work better into the muscles. It's who I am. It's what I do. I love it.

(Tr. at 104-105)

16. Ms. Hope further testified that it would be absolutely devastating for her family if she could not practice massage therapy for a period of time because her husband has recently encountered additional health complications and because she also financially assists several other family members who are struggling. (Tr. at 107-108; see also St. Ex. 3 at 14)
17. Ms. Hope also presented thirteen letters of support/recommendation from clients and the spouse of a client. The letters reflect that Ms. Hope is highly regarded by those individuals. They consider her to be an asset to the massage-therapy profession, and support the restoration of her massage-therapy certificate. (Resp. Exs. C-O)

RELEVANT OHIO LAW

Section 4731.41, Ohio Revised Code, states in part:

No person shall practice medicine and surgery, or any of its branches, without the appropriate certificate from the state medical board to engage in the practice. No person shall advertise or claim to the public to be a practitioner of medicine and surgery, or any of its branches, without a certificate from the board. No person shall open or conduct an office or other place for such practice without a certificate from the board.

FINDINGS OF FACT

1. In December 2008, Candy L. Hope, M.T., submitted an Application for Massage Therapy Restoration with the Board, which is currently pending. Ms. Hope's certificate to practice massage therapy had expired on August 31, 2005.

2. Despite the expiration of her certificate to practice massage therapy on August 31, 2005, Ms. Hope practiced massage therapy, as that term is defined in Rule 4731-1-05, Ohio Administrative Code, from August 31, 2005 to April 2009. Further, although Ms. Hope admitted that she was aware in July 2008 that her certificate to practice massage therapy had expired, she continued to practice massage therapy and failed to submit an application for license restoration until December 2008.

CONCLUSION OF LAW

As set forth in Findings of Fact 1 and 2, Ms. Hope's acts, conduct, and/or omissions individually and/or collectively constitute "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as set forth in Section 4731.22(B)(10), Ohio Revised Code, to wit: Practice of medicine or surgery without certificate, Section 4731.41, Ohio Revised Code. As set forth in Section 4731.99(A), Ohio Revised Code, violation of Section 4731.41, Ohio Revised Code, constitutes a felony offense.

Rationale for the Proposed Order

Ms. Hope appeared at the hearing to be an honest, cooperative and credible person. The Hearing Examiner is convinced that Ms. Hope did not realize by August 2005 that she had not renewed her massage-therapy certificate. However, sometime between September 2005 and July 2008, she should have realized that her certificate had expired.

By July 2008, Ms. Hope positively knew that she did not have a valid certificate. If she had reacted to this information by ceasing to practice at that time, her prior actions could be excusable. However, Ms. Hope continued to practice for nearly another year, again without a valid certificate. Moreover, she practiced massage therapy after answering interrogatories and receiving the notice of opportunity for hearing, both of which directly highlighted the fact that she did not have a valid certificate and was actively practicing massage therapy. The evidence establishes that Ms. Hope recognized the need for a valid certificate, as shown by her quick call to the Board in July 2008 in order to determine what she must do to restore her certificate. Ms. Hope's subsequent disregard of the licensure requirements does not warrant denial of her restoration application. However, other immediate disciplinary action by the Board is appropriate against the restored certificate.

PROPOSED ORDER

It is hereby ORDERED, that:

- A. **GRANT OF RESTORATION OF MASSAGE-THERAPY CERTIFICATE; SUSPENSION:** The application of Candy L. Hope, M.T., to restore her certificate to practice massage therapy in Ohio is GRANTED, provided that she otherwise meets all

statutory and regulatory requirements. Upon restoration, Ms. Hope's certificate shall be SUSPENDED immediately for a period of 60 days.

B. **PROBATION:** Upon expiration of the 60-day suspension, Ms. Hope's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:

1. **Obey the Law:** Ms. Hope shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
2. **Declarations of Compliance:** Ms. Hope shall submit quarterly declarations under penalty of Board disciplinary action and/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 or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. **Personal Appearances:** Ms. Hope shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Ms. Hope shall also appear every six 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. **Noncompliance Will Not Reduce Probationary Period:** In the event Ms. Hope 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 under this Order.

C. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Ms. Hope's certificate will be fully restored.

D. **REQUIRED REPORTING AND DOCUMENTATION OF REPORTING:**

1. **Required Reporting to Employers and Hospitals:** Within 30 days of the effective date of this Board Order, Ms. Hope shall provide a copy of this Board Order to all employers or entities with which she is under contract to provide health care services (including but not limited to third-party payors) or is receiving training, and the Chief of Staff at each hospital or health-care center where she has privileges or appointments.

For massage therapists, the term “health care center” includes but is not limited to entities that may be referred to as a wellness center, exercise center, health club, spa, salon, or gymnasium.

Further, Ms. Hope shall promptly provide a copy of this Board Order to all employers or entities with which she contracts to provide health-care services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or health-care center where she applies for or obtains privileges or appointments. In the event that Ms. Hope provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within 30 days of the effective date of this Board Order, Ms. Hope shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

This requirement shall continue until Ms. Hope receives from the Board written notification of her successful completion of probation as set forth in paragraph C, above.

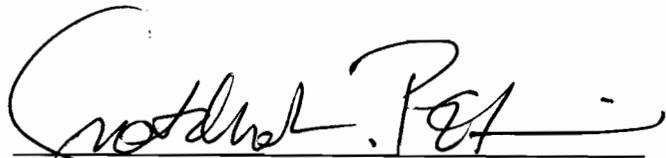
2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Board Order, Ms. Hope shall provide a copy of this Board Order to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity through which she currently holds any license or certificate. Further, Ms. Hope shall provide a copy of this Board Order at the 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.

This requirement shall continue until Ms. Hope receives from the Board written notification of her successful completion of probation as set forth in paragraph C, above.

3. **Documentation that the Required Reporting Has Been Performed:** Ms. Hope shall provide the Board with **one** of the following documents as proof of each required notification within 30 days of the date of each notification required above: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Board Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Board Order to the person or entity to whom a copy of the Board Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Board Order to the person or entity to whom a copy of the Board Order was emailed.

- E. **VIOLATION OF THE TERMS OF THIS ORDER:** If Ms. Hope violates the terms of this Order in any respect, the Board, after giving her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.

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

A handwritten signature in cursive script, appearing to read "Gretchen L. Petrucci", written over a horizontal line.

Gretchen L. Petrucci
Hearing Examiner

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
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EXCERPT FROM THE DRAFT MINUTES OF OCTOBER 14, 2009

REPORTS AND RECOMMENDATIONS, MOTIONS FOR RECONSIDERATION & PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Madia announced that the Board would now consider the Reports and Recommendations, the Motion for Reconsideration and the Proposed Findings And Proposed Orders appearing on its agenda.

Dr. Madia asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law and Proposed Orders, and any objections filed in the matters of: Rafael A. Badri, M.D.; Ericka L. Davis, P.A.; Candy Hope, L.M.T.; Ravi Dutt Madan, M.D.; Randall Jay Smith, D.O.; and Rick D. St. Onge, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

Dr. Madia 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. Varyani	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

Dr. Madia 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. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.;

Dr. Madia reminded all parties that no oral motions may be made during these proceedings.

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

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Dr. Talmage left the room during the previous discussion.

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CANDY L. HOPE, M.T.

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DR. STEPHENS MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF CANDY L. HOPE, M.T. DR. VARYANI SECONDED THE MOTION.

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A vote was taken on Dr. Stephens' motion to approve and confirm:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- nay
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

The motion carried.

State Medical Board of Ohio

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



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

May 13, 2009

Case number: 09-CRF-060

Candy L. Hope, M.T.
415 Sunset Drive
Brookfield, Ohio 44403

Dear Ms. Hope:

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

- (1) In or around December 2008, the Board received your Application for Massage Therapy Restoration, which is currently pending. Your certificate to practice massage therapy had expired on or about August 31, 2005.
- (2) Despite the expiration of your certificate to practice massage therapy on or about August 31, 2005, you practiced massage therapy, as that term is defined by Rule 4731-1-05, Ohio Administrative Code, from on or about August 31, 2005, to in or around April 2009. Further, although you admitted that you were aware in July 2008 that your certificate to practice massage therapy had lapsed, you continued to practice massage therapy and failed to submit an application for license restoration until in or about December 2008.

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

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must

Mailed 5.14.09

Candy L. Hope, M.T.

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be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing this notice.

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

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

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/CDP/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3068 6137
RETURN RECEIPT REQUESTED

cc: Christopher J. Newman, Esq.
6 Federal Plaza Central, Ste. 1300
Youngstown, Ohio 44503

CERTIFIED MAIL #91 7108 2133 3936 3068 6120
RETURN RECEIPT REQUESTED