CONSENT AGREEMENT
BETWEEN
THOMAS J. WHITSON
AND
THE STATE MEDICAL BOARD OF OHIO

97 FEB -6 AM 10:35

This CONSENT AGREEMENT is entered into by and between THOMAS J. WHITSON and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

THOMAS J. WHITSON enters into this CONSENT AGREEMENT being fully informed of his 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.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(19), 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 "(i)nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(B)(19), Ohio Revised Code, as set forth in Paragraph D 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 Agreement.

C. THOMAS J. WHITSON is applying for a certificate to practice massage therapy in the State of Ohio.

D. THOMAS J. WHITSON ADMITS that he has been diagnosed with schizoaffective disorder for which he has received inpatient and outpatient treatment. THOMAS J. WHITSON STATES and the STATE MEDICAL

BOARD OF OHIO ACKNOWLEDGES that he has not required inpatient treatment since 1989.

THOMAS J. WHITSON STATES that he has been under the care of Robert Pugliese, M.D., at North Community Counseling Center in Columbus, Ohio, for depressive symptoms and ruminative thoughts since 1989.

THOMAS J. WHITSON STATES that his treatment plan with Dr. Pugliese includes bi-weekly counseling and pharmacological treatment with Lithium, Trilafon, and Elavil.

THOMAS J. WHITSON STATES and the STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES that he has submitted documentation from Dr. Pugliese stating that he has made good improvements over the past five years through regular counseling and medication management.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, THOMAS J. WHITSON shall be granted a certificate to practice massage therapy in the State of Ohio and knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following PROBATIONARY terms, conditions and limitations:

1. MR. WHITSON shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;

2. MR. WHITSON 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 the consent agreement becomes effective, 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. MR. WHITSON shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed 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 licensee'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. WHITSON written notification of scheduled appearances, it is MR. WHITSON'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. WHITSON shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

4. In the event that MR. WHITSON should leave Ohio for three (3) continuous months, or reside or practice outside the State, MR. WHITSON 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 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 MR. WHITSON 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 the CONSENT AGREEMENT;

6. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, MR. WHITSON shall submit to the BOARD for its prior approval the name and qualifications of a psychiatrist of his choice. Upon approval by the BOARD, MR. WHITSON shall undergo and continue psychiatric treatment twice per month, or as otherwise directed by the BOARD. MR. WHITSON shall comply with the medication regimen as prescribed by his approved treating psychiatrist. MR. WHITSON shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the BOARD on a quarterly basis, or as otherwise directed by the BOARD. It is MR. WHITSON's responsibili'y to ensure that quarterly reports are received in the BOARD's offices no later than the due date for MR. WHITSON's quarterly declaration;

7. The BOARD retains the right to require, and MR. WHITSON agrees to submit, blood or urine specimens for analysis upon the BOARD's request and without prior notice. MR. WHITSON's refusal to submit a blood or urine specimen upon request of the BOARD shall result in a minimum of one year of actual license suspension;

8. MR. WHITSON shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the BOARD, and to treating and monitoring physicians;

9. MR. WHITSON AGREES that if any declaration or report required by this agreement is not received in the BOARD's offices on or before its due date, MR. WHITSON shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by 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 of the Revised Code.

This CONSENT AGREEMENT shall remain in force for an indefinite period of time but not less than three (3) years prior to any request for termination of said CONSENT AGREEMENT. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of the Secretary and Supervising Member of the BOARD, MR. WHITSON 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 Agreement.

If the Secretary and Supervising Member of the BOARD determine that there is clear and convincing evidence that MR. WHITSON has violated any term, condition or limitation of this CONSENT AGREEMENT, MR. WHITSON agrees that the violation, as alleged, also constitutes clear and convincing evidence that his 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(D), Ohio Revised Code.

MR. WHITSON acknowledges that he 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.

MR. WHITSON hereby releases THE STATE MEDICAL BOARD OF OHIO, 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. 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 that it shall become effective upon the last date of signature below.

Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

THOMAS J. WHITSON

2/3/97
DATE

THOMAS E. GRETTER, M.D.
Secretary

2/12/97
DATE

RAYMOND J. ALBERT
Supervising Member

2/12/97
DATE

ANNE B. BERRY STRAIT, ESQ.
Assistant Attorney General

2/12/97
DATE