

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

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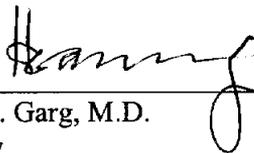
CATHERINE M. BARNETT, M.T. :

**ENTRY OF ORDER**

On September 20, 2002, Catherine M. Barnett, M.T., executed a Voluntary Surrender of her Certificate to practice massage therapy in the State of Ohio with a consent to revocation, which document is attached hereto and fully incorporated herein.

In consideration of the foregoing and of Ms. Barnett's express waiver of the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board members vote to revoke said certificate, it is hereby ORDERED that Certificate No. 33-008516 authorizing Catherine M. Barnett, M.T., to practice massage therapy be permanently REVOKED, effective October 8, 2002.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 8th day of October, 2002, and the original thereof shall be kept with said Journal.



\_\_\_\_\_  
Anand G. Garg, M.D.  
Secretary

(SEAL)

October 8, 2002 \_\_\_\_\_  
Date

**STATE OF OHIO  
THE STATE MEDICAL BOARD  
SURRENDER OF CERTIFICATE  
TO PRACTICE MASSAGE THERAPY**

I, Catherine M. Barnett, M.T., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, Catherine M. Barnett, M.T., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice massage therapy, #33-008516, to the State Medical Board of Ohio, thereby relinquishing all rights to practice massage therapy in Ohio.

I understand that as a result of the surrender herein that I am no longer permitted to practice massage therapy in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice massage therapy #33-008516 or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, on or after the date of signing this Surrender of Certificate to Practice Massage Therapy. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

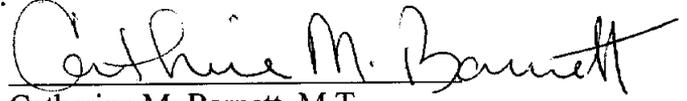
I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice massage therapy, #33-008516, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice massage therapy.

I, Catherine M. Barnett, M.T., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document 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. I, Catherine M. Barnett, M.T., agree to provide my social security number to the Board and hereby authorize the Board to utilize that number in conjunction with that reporting.

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(26).

Signed this 20 day of Sept, 2002.

  
Catherine M. Barnett, M.T.

  
Witness

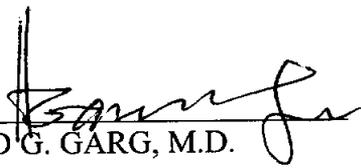
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Witness

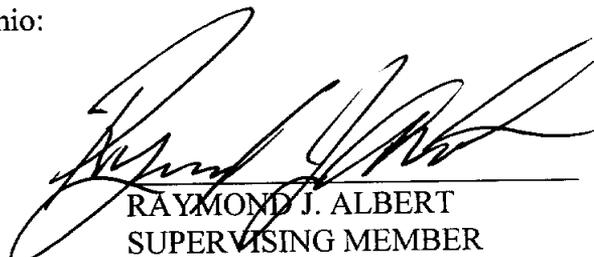
Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Notary Public

**SEAL** (This form must be either witnessed OR notarized)

Accepted by the State Medical Board of Ohio:

  
ANAND G. GARG, M.D.  
SECRETARY

  
RAYMOND J. ALBERT  
SUPERVISING MEMBER

10/07/02  
DATE

10/7/02  
DATE

**OHIO STATE MEDICAL BOARD**

**FEB 22 1999**

**CONSENT AGREEMENT  
BETWEEN  
CATHERINE MARY BARNETT  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

CATHERINE MARY BARNETT 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 STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(26), 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 "impairment 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." Further, THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(9), 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, or a judicial finding of guilt of, a felony."
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violations of Section 4731.22(B)(9) and (B)(26), 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.

OHIO STATE MEDICAL BOARD

FEB 22 1999

- C. CATHERINE MARY BARNETT has applied for a certificate to practice massage therapy in the State of Ohio.
- D. CATHERINE MARY BARNETT ADMITS that she suffers from crack cocaine dependency and alcohol dependency; that she began to have problems with alcohol at the age of twelve; that she regularly used LSD and amphetamines as a teenager; and that her drugs of choice were codeine and alcohol until she was in her late twenties, at which time she started using crack cocaine.

CATHERINE MARY BARNETT further ADMITS that between March 11, 1986, and April 18, 1992, in the Toledo Municipal Court, she pled no contest to and was found guilty of misdemeanor charges of "Disorderly Conduct; Intoxication," "Open Container Prohibited," "Attempting to Commit an Offense: Endangering Children," and two misdemeanor charges of "Disorderly Conduct." MS. BARNETT further STATES that all of the above convictions were due to her addiction to alcohol and drugs.

CATHERINE MARY BARNETT further ADMITS that she entered Comprehensive Addiction Service Systems (COMPASS), an alcohol and drug rehabilitation center in Toledo, Ohio, on July 13, 1992, for an intensive outpatient program, and received a planned discharge on August 13, 1992. She entered into an extended care program with COMPASS on August 14, 1992, and received an unplanned discharge on November 14, 1992. MS. BARNETT further ADMITS that she was discharged in November of 1992 because she admitted to using alcohol and refused to enter the detoxification ward.

CATHERINE MARY BARNETT further ADMITS that between July 12, 1993, and May 2, 1995, in the Toledo Municipal Court, she pled no contest to and was found guilty of misdemeanor charges of "Soliciting," "Disorderly Conduct; Intoxication," "Permitting Drug Abuse," "Possession of Drug Paraphernalia," and two misdemeanor charges of "Disorderly Conduct." MS. BARNETT further STATES that all of the above convictions were due to her addiction to alcohol and drugs.

CATHERINE MARY BARNETT further ADMITS that on April 28, 1994, in Allen Superior Court in Fort Wayne, Indiana, she pled guilty to felony charges of "Possession of Cocaine" and "Failure to Pay Substance Excise Tax." She was sentenced to one year in jail, given credit for two hundred and fifty-four days served, and put on probation for two years.

OHIO STATE MEDICAL BOARD

FEB 22 1999

FEB 22 1999

CATHERINE MARY BARNETT further ADMITS that her probation was revoked on or about June 24, 1994, due to her failure to enter treatment at Women's Journey, an alcohol and drug rehabilitation center in Fort Wayne, Indiana, as instructed by her probationary conditions.

CATHERINE MARY BARNETT further ADMITS that she entered Women's Journey, an alcohol and drug rehabilitation center in Fort Wayne, Indiana, for an inpatient program on August 15, 1994, and was discharged on October 18, 1994. She entered a continuing care program on October 21, 1994, and was discharged from the program on March 3, 1995, when she returned to Ohio.

CATHERINE MARY BARNETT further ADMITS that she entered COMPASS, an alcohol and drug rehabilitation center in Toledo, Ohio, on March 29, 1995, for an extended care program, and received a planned discharge on August 28, 1995. From April 3, 1995, to August 14, 1995, MS. BARNETT further ADMITS that she had eleven random urine screens which were tested for cocaine, and all results were negative.

CATHERINE MARY BARNETT further STATES, and the STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES, that Paul C. Wilgus, Ph.D., had a clinical interview with MS. BARNETT on October 1, 1998, and has provided a written statement indicating that he believes MS. BARNETT sincerely rejects substance use and abuse. Doctor Wilgus also recommended that MS. BARNETT be granted a certificate.

CATHERINE MARY BARNETT further STATES, and the STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES, that Bonnie L. Kauffmann, Ph.D., CCDC-III, has provided a written statement indicating that she believes MS. BARNETT's drug addiction is in sustained full remission by definition of the DSM-IV. Doctor Kauffmann also stated that MS. BARNETT is fully capable of functioning as a massage therapist, and recommended that she receive her certificate. Doctor Kauffmann conducted a Chemical Dependency Assessment on December 12, 1998, and based upon that evaluation she recommended that MS. BARNETT practice Massage.

CATHERINE MARY BARNETT further STATES that she has not used any alcohol or illegal substances since entering Women's Journey in August of 1994, and that she attends three AA meetings each week. MS. BARNETT further STATES that she attended the Northwest Academy of Massotherapy from October 17, 1996, through April 2, 1998. MS.

FEB 22 1999

CATHERINE MARY BARNETT  
PAGE 4

BARNETT received her diploma on April 5, 1998, and was notified that she passed the Massage examination on July 15, 1998.

**AGREED CONDITIONS**

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, CATHERINE MARY BARNETT 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. MS. BARNETT shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. MS. BARNETT 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. MS. BARNETT 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 she 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 MS. BARNETT written notification of scheduled appearances, it is MS. BARNETT's responsibility to know when personal appearances will occur. If she does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, MS. BARNETT shall immediately

FEB 22 1999

submit to the BOARD a written request to be notified of her next scheduled appearance;

4. In the event that MS. BARNETT should leave Ohio for three (3) continuous months, or reside or practice outside the State, MS. BARNETT 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 MS. BARNETT 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;

#### **MONITORING OF REHABILITATION AND TREATMENT**

##### **Sobriety**

6. MS. BARNETT shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to her by another so authorized by law who has full knowledge of MS. BARNETT's history of chemical dependency;
7. MS. BARNETT shall abstain completely from the use of alcohol;

##### **Drug and Alcohol Screens/Supervising Physician**

8. MS. BARNETT shall submit to random urine screenings for drugs and alcohol twice each month or as otherwise directed by the BOARD. MS. BARNETT 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 (30) days of the effective date of this CONSENT AGREEMENT, MS. BARNETT shall submit to the BOARD for its prior approval the name of a supervising physician to whom MS. BARNETT shall submit the required urine specimens. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the

FEB 22 1999

supervising physician shall immediately inform the BOARD of any positive screening results;

MS. BARNETT 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 CONSENT AGREEMENT, whether all urine screenings have been negative, and whether the supervising physician remains willing and able to continue in his/her responsibilities;

In the event that the designated supervising physician becomes unable or unwilling to so serve, MS. BARNETT must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. MS. BARNETT 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 MS. BARNETT's quarterly declaration. It is MS. BARNETT's responsibility to ensure that reports are timely submitted;

9. The BOARD retains the right to require, and MS. BARNETT agrees to submit, blood or urine specimens for analysis at MS. BARNETT's expense upon the BOARD's request and without prior notice. MS. BARNETT'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;

#### **Monitoring Physician**

10. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, MS. BARNETT shall submit for the BOARD's prior approval the name of a monitoring physician, who shall meet with MS. BARNETT on a monthly basis and provide the BOARD with quarterly reports on MS. BARNETT's status. MS. BARNETT shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, MS. BARNETT must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. MS. BARNETT shall further ensure that the previously designated

FEB 22 1999

monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore;

All monitoring physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for MS. BARNETT's quarterly declaration. It is MS. BARNETT's responsibility to ensure that reports are timely submitted;

### **Rehabilitation Program**

11. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, MS. BARNETT shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A. or N.A., no less than three (3) times per week. Substitution of any other specific program must receive prior BOARD approval;

MS. BARNETT shall submit with each quarterly declaration required under Paragraph 2 of this CONSENT AGREEMENT acceptable documentary evidence of continuing compliance with this program;

### **Releases**

12. MS. BARNETT shall provide continuing authorization, through appropriate written consent forms, for disclosure by her treatment provider 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**

13. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, MS. BARNETT shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which she contracts to provide services, or applies for or receives training as a massage therapist;
14. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, MS. BARNETT 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 a license to practice massage. MS. BARNETT 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 licensure or reinstatement of licensure. Further, MS. BARNETT shall provide this BOARD with a

FEB 22 1999

copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

**FAILURE TO COMPLY**

15. Any violation of Paragraph 6 or Paragraph 7 of this Agreement shall constitute grounds to revoke or permanently revoke MS. BARNETT's certificate. Any violation of this Agreement shall constitute grounds to revoke or permanently revoke MS. BARNETT's certificate. MS. BARNETT agrees that the minimum discipline for such a violation shall include actual license suspension. This paragraph does not limit the BOARD's authority to suspend, revoke or permanently revoke MS. BARNETT's certificate based on other violations of this Consent Agreement.
16. MS. BARNETT 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, MS. BARNETT 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.
17. MS. BARNETT AGREES that if, without prior permission from the BOARD, she fails to submit to random screenings for drugs and alcohol at least as frequently as required by Paragraph 8 of this CONSENT AGREEMENT, she shall cease practicing immediately upon receipt from the BOARD of notice of the violation and shall refrain from practicing for thirty (30) days for the first instance of a single missed screen. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.
18. MS. BARNETT AGREES that if she fails to participate in an alcohol and drug rehabilitation program at least as frequently as required by Paragraph 11 of this CONSENT AGREEMENT, she shall cease practicing immediately upon receipt from the BOARD of notice of the violation, and shall refrain from practicing for fifteen (15) days following a first missed meeting. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

If, in the discretion of the Secretary and Supervising Member of the BOARD, MS. BARNETT appears to have violated or breached any term or condition of this

FEB 22 1993

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 MS. BARNETT has violated any term, condition or limitation of this CONSENT AGREEMENT, MS. BARNETT 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(D), Ohio Revised Code.

**DURATION/MODIFICATION OF TERMS**

This CONSENT AGREEMENT shall remain in force for a minimum of five (5) 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.

**ACKNOWLEDGMENTS/LIABILITY RELEASE**

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

**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 that it shall become effective upon the last date of signature below.

Catherine Mary Barnett  
CATHERINE MARY BARNETT

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

Feb. 18, 1999  
DATE

3-10-99  
DATE

Raymond J. Albert  
RAYMOND J. ALBERT  
Supervising Member

OHIO STATE MEDICAL BOARD  
FEB 22 1999

3/10/99  
DATE

Anne B. Strait  
ANNE B. STRAIT, ESQ.  
Assistant Attorney General

3/10/99  
DATE