

BEFORE THE STATE MEDICAL BOARD OF OHIO

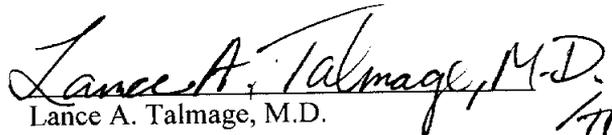
IN THE MATTER OF :
:
JEFFREY SCOTT HOLLADAY, M.T. :

ENTRY OF ORDER

On October 17, 2004, Jeffrey Scott Holladay, M.T., executed a Surrender of his 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 Mr. Holladay'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. 33-011044 authorizing Jeffrey Scott Holladay, M.T., to practice massage therapy be permanently REVOKED, effective October 28, 2004.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 20th day of December 2004, and the original thereof shall be kept with said Journal.


Lance A. Talmage, M.D.
Secretary

(SEAL)

December 20, 2004

Date

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

OHIO STATE MEDICAL BOARD

OCT 25 2004

I, Jeffrey Scott Holladay, 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, Jeffrey Scott Holladay, M.T., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice massage therapy, License No. 33-011044, 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, the reinstatement of certificate to practice massage therapy, License No. 33-011044, or the 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.

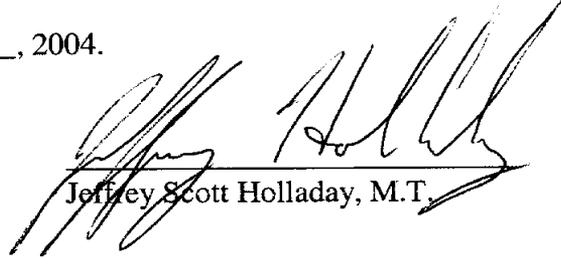
I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice massage therapy, License No. 33-011044, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board 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 permanently revoking my certificate to practice massage therapy.

I, Jeffrey Scott Holladay, 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.

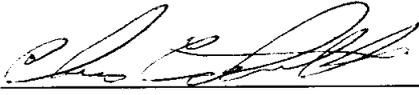
This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. I, Jeffrey Scott Holladay, M.T., acknowledge that my social security number will be used if this information is so reported and agree to provide my social security number to the Board for such purposes.

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings, pursuant to Section 4731.22(B)(15), Ohio Revised Code, based upon my lack of compliance with the terms of the Step I Consent Agreement, that I entered into with the Board on April 14, 2004.

Signed this 19th day of Oct., 2004.



Jeffrey Scott Holladay, M.T.



Witness Signature

Chris Corthell

Witness Name Printed



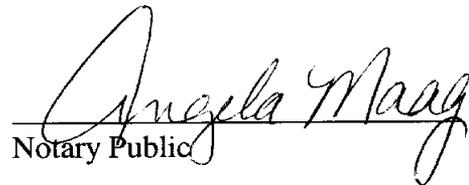
Witness Signature

Sally Barris

Witness Name Printed

Sworn to and subscribed before me this 19th day of Oct., 2004.

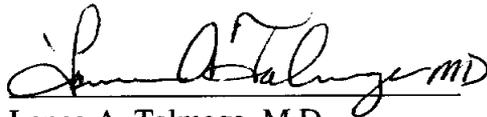
ANGELA MAAG
NOTARY PUBLIC, STATE OF OHIO
Commission Expires July 24, 2008



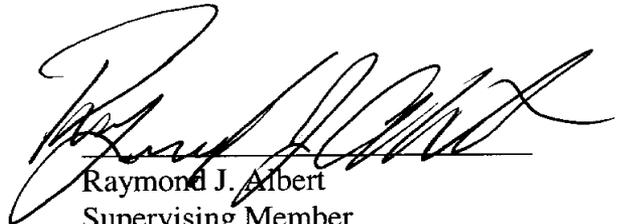
Notary Public

SEAL (This form must be either witnessed OR notarized)

Accepted by the State Medical Board of Ohio:



Lance A. Talmage, M.D.
Secretary



Raymond J. Albert
Supervising Member

10-28-04
Date

10/28/04
Date

STEP I
CONSENT AGREEMENT
BETWEEN
JEFFREY SCOTT HOLLADAY, M.T.
AND
THE STATE MEDICAL BOARD OF OHIO

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

Mr. Holladay 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.

OHIO STATE MEDICAL BOARD

APR 05 2004

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)(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." In addition, the Board is empowered by Section 4731.22(B)(5), 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 "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraphs D through F below, and the violation of Section 4731.22(B)(5), Ohio Revised Code, as set forth in Paragraph G 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.

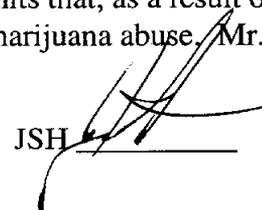
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- C. Mr. Holladay is licensed to practice massage therapy in the State of Ohio, License # 33-011044.
- D. Mr. Holladay admits that, on or about February 8, 2002, in Crawford County Municipal Court, he was found guilty of violating Ohio Revised Code Section 4511.19(A)(3), Driving While Under the Influence, and was ordered to attend a 72-hour driver intervention program and to complete all recommended drug and alcohol counseling. Mr. Holladay admits that, as a result of this conviction, he obtained outpatient treatment, from July 25, 2002, until November 7, 2002, at Clearview Services in Findlay, Ohio. He also admits that, while in outpatient treatment at Clearview Services, he was diagnosed as being alcohol and marijuana dependent. Mr. Holladay further admits that he was to maintain total abstinence from alcohol and drugs, participate in individual counseling and attend two or three AA or NA meetings per week. Mr. Holladay admits that he stopped treatment at Clearview Services in November of 2002, and that he continued using both alcohol and marijuana after his outpatient treatment at Clearview Services.
- E. Mr. Holladay admits that, on or about December 12, 2002, in Findlay Municipal Court, he was found guilty of the following offenses which occurred on August 10, 2002: Driving While Under the Influence, in violation of Ohio Revised Code Section 4511.19(B)(2); Possession of Drug Paraphernalia, in violation of Ohio Revised Code Section 2925.14(C); and Drug Abuse for possession of Marijuana, in violation of Ohio Revised Code Section 2925.11(A). Mr. Holladay further admits that he was ordered to obtain an alcohol evaluation and pursue any recommended course of treatment. Mr. Holladay admits that, as a result of this conviction, he obtained outpatient treatment, from February 7, 2003, until May 27, 2003, at Five County Alcohol and Drug Program [Five County], in Napoleon, Ohio, where he was diagnosed with alcohol abuse and cannabis dependence. He further admits that, while in outpatient treatment at Five County, he failed to advise his treatment providers that he had previously received treatment at Clearview Services. Mr. Holladay further admits that he was to maintain total abstinence from alcohol and drugs and follow treatment recommendations, including attendance at weekly AA or NA meetings. Mr. Holladay admits that he failed to follow the treatment recommendations made by Five County and that he continued using both alcohol and marijuana after his outpatient treatment at Five County.
- F. Mr. Holladay admits that, pursuant to a Board order, he entered Comprehensive Addiction Service Systems [COMPASS], a Board-approved treatment provider in Toledo, Ohio, on or about January 12, 2004, for a three-day evaluation to determine whether he is in violation of Section 4731.22(B)(26), Ohio Revised Code, to wit: "[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." Mr. Holladay admits that, as a result of the evaluation, he was diagnosed with alcohol dependence and marijuana abuse. Mr.

OHIO STATE MEDICAL BOARD

APR 05 2004

JSH



Holladay further admits that the treatment team at COMPASS found him to be impaired and recommended that he participate in an ongoing treatment program, to include frequent urine screens and continued monitoring. Mr. Holladay admits that the treatment team at COMPASS also recommended that he be required to prove a sustained period of sobriety from all mood-altering substances before being permitted to practice as a massage therapist.

- G. Mr. Holladay admits that, in his June 2003 Application for Renewal of his certificate, he answered "No" to question 2, which asked whether he was "addicted to or dependent upon alcohol or any chemical substance; or [had] been treated for, or diagnosed as suffering from, drug or alcohol dependency or abuse." Mr. Holladay admits that he made a false, deceptive, or misleading statement by answering "No" to question 2, when, in fact, as set forth in Paragraphs D and E above, he had been treated for and diagnosed as suffering from drug and alcohol dependency and abuse.

AGREED CONDITIONS

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

Jeffrey Scott Holladay, M.T., is hereby REPRIMANDED for the admitted violation of making a false, deceptive, or misleading statement as set forth in Paragraph G above.

SUSPENSION OF CERTIFICATE

1. The certificate of Mr. Holladay to practice massage therapy in the State of Ohio shall be SUSPENDED for an indefinite period of time.

Sobriety

2. Mr. Holladay 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. Holladay's history of chemical dependency.
3. Mr. Holladay shall abstain completely from the use of alcohol.

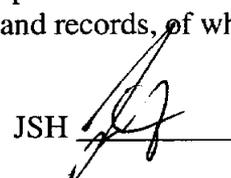
Releases; Quarterly Declarations and Appearances

4. Mr. Holladay shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever

OHIO STATE MEDICAL BOARD

APR 05 2004

JSH



nature, by any and all parties that provide treatment or evaluation for Mr. Holladay's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. 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. Holladay further agrees to 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 Consent Agreement.

5. Mr. Holladay 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 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, provided that if the effective date is on or after the sixteenth 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.
6. Mr. Holladay 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.

Drug & Alcohol Screens; Supervising Physician

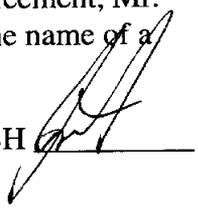
7. Mr. Holladay shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Mr. Holladay shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug-testing panel utilized must be acceptable to the Secretary of the Board.

Mr. Holladay shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Within thirty days of the effective date of this Consent Agreement, Mr. Holladay shall submit to the Board for its prior approval the name of a

OHIO STATE MEDICAL BOARD

APR 05 2004

JSH 

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

Mr. Holladay shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, 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. Holladay must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Mr. Holladay shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her 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. Holladay's quarterly declaration. It is Mr. Holladay's responsibility to ensure that reports are timely submitted.

Rehabilitation Program

8. Within thirty days of the effective date of this Consent Agreement, Mr. Holladay shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Mr. Holladay shall submit acceptable documentary evidence of continuing compliance with this program, which evidence must be received in the Board's offices no later than the due date for Mr. Holladay's quarterly declarations.

CONDITIONS FOR REINSTATEMENT

9. The Board shall not consider reinstatement of Mr. Holladay's certificate to practice massage therapy until all of the following conditions are met:
 - a. Mr. Holladay shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Mr. Holladay shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
 - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Mr. Holladay has successfully completed any required inpatient treatment, including at least twenty-eight days of in-patient or residential treatment for chemical dependence, as set forth in Rules 4731-16-02(B)(4)(a) and 4731-16-08(A)(13), Ohio Administrative Code.
 - ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
 - iii. Evidence of continuing full compliance with this Consent Agreement.
 - iv. Three written reports indicating that Mr. Holladay's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care.

Two reports shall be made by physicians who are knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Mr. Holladay. Prior to the assessments, Mr. Holladay shall provide the evaluators with copies of patient records from any evaluations and treatment that he has received, and a copy of this Consent

be imposed on Mr. Holladay's practice. The reports shall also describe the basis for the evaluator's determinations.

be imposed on Mr. Holladay's practice. The reports shall also describe the basis for the evaluator's determinations.

One report shall be made by a psychiatrist, approved in advance by the Board, who shall conduct a psychiatric examination of Mr. Holladay. Prior to the examination, Mr. Holladay shall provide the psychiatrist with copies of patient records from any prior evaluations and/or treatment that he has received, and a copy of this Step I Consent Agreement. The report from the evaluating psychiatrist shall include the psychiatrist's diagnoses and conclusions; any recommendations for care, counseling, and treatment for the psychiatric diagnoses; any conditions, restrictions, or limitations that should be imposed on Mr. Holladay's practice; and the basis for the psychiatrist's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement.

- c. Mr. Holladay shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Mr. Holladay are unable to agree on the terms of a written Consent Agreement, then Mr. Holladay further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

Further, upon reinstatement of Mr. Holladay's certificate to practice massage therapy in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code. Moreover, upon termination of the consent agreement or Board Order, Mr. Holladay shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Mr. Holladay has maintained sobriety.

10. In the event that Mr. Holladay has not been engaged in the active practice of massage therapy for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Mr. Holladay's fitness to resume practice.

OHIO STATE MEDICAL BOARD

APR 05 2004

JSH 

REQUIRED REPORTING BY LICENSEE

11. Within thirty days of the effective date of this Consent Agreement, Mr. Holladay 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 he currently holds any professional license. Mr. Holladay 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 he applies for any professional license or reinstatement of any professional license. Further, Mr. Holladay shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

12. Within thirty days of the effective date of this Consent Agreement, Mr. Holladay shall provide a copy of this Consent Agreement to all employers or entities, by whom he is employed to provide massage therapy services, or with whom he is under contract to provide massage therapy services. Further, Mr. Holladay shall provide a copy of this Consent Agreement to all employers or entities, with whom he applies for employment as a massage therapist, or with whom he contracts to provide massage therapy services.

The above-described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Mr. Holladay 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.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Mr. Holladay 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.

OHIO STATE MEDICAL BOARD

APR 05 2004

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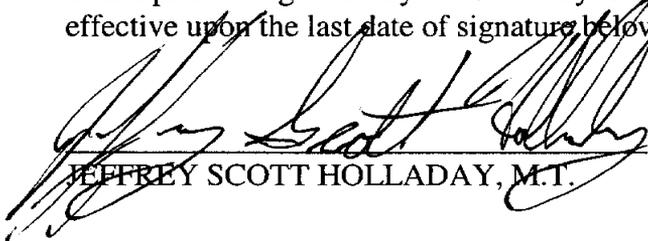


Mr. Holladay hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Mr. Holladay acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

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.


JEFFREY SCOTT HOLLADAY, M.T.


LANCE A. TALMAGE, M.D.
Secretary

04-01-04
DATE

4-14-04
DATE


RAYMOND J. ALBERT
Supervising Member

4/15/04
DATE


KATHLEEN S. PETERSON
Enforcement Attorney

4/6/04
DATE