



# State Medical Board of Ohio

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August 11, 2004

Shelton Williams, Jr., L.M.T.  
2705 Gatehouse Drive E.  
Cincinnati, OH 45215

Dear Mr. Williams:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on August 11, 2004.

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 a Notice of Appeal with the State Medical Board of Ohio and 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 of the Ohio Revised Code.

Very truly yours,

Lance A. Talmage, M.D.  
Secretary

LAT:jam  
Enclosures

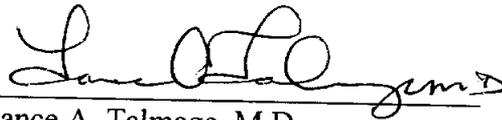
CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5149 9924  
RETURN RECEIPT REQUESTED

*Mailed 8-12-04*

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on August 11, 2004, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Shelton Williams, Jr., L.M.T., as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.



Lance A. Talmage, M.D.  
Secretary

(SEAL)

August 11, 2004

Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF :  
:  
SHELTON WILLIAMS, JR., L.M.T. :

**FINDINGS, ORDER AND JOURNAL ENTRY**

This matter came on for consideration before the State Medical Board of Ohio on August 11, 2004, pursuant to a Notice of Opportunity for Hearing issued to Shelton Williams, Jr., L.M.T., on November 12, 2003. No request for hearing having been received within the statutorily mandated time period, Hearing Examiner Siobhan R. Clovis, Esq., on behalf of the Board, reviewed and summarized evidence supporting the Notice, and prepared Proposed Findings and a Proposed Order.

WHEREFORE, having reviewed Ms. Clovis' Proposed Findings and Proposed Order, which is attached hereto and incorporated herein, the Board hereby finds that there is reliable, probative and substantial evidence to support the allegations as set forth in the November 12, 2003, Notice of Opportunity for Hearing.

Accordingly, it is hereby ORDERED that:

The certificate of Shelton Williams, Jr., L.M.T., to practice massage therapy in the State of Ohio shall be PERMANENTLY REVOKED.

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



Lance A. Talmage, M.D.  
Secretary

(SEAL)

August 11, 2004  
Date

2004 JUL -9 A 10: 07

**PROPOSED FINDINGS AND PROPOSED ORDER  
IN THE MATTER OF SHELTON WILLIAMS, JR., L.M.T.**

The Matter of Shelton Williams, Jr., L.M.T., was reviewed by Siobhan R. Clovis, Esq., Hearing Examiner for the State Medical Board of Ohio.

**INTRODUCTION**

Basis for the Review

1. By letter dated November 12, 2003, the State Medical Board of Ohio [Board] notified Shelton Williams, Jr., L.M.T., that it had proposed to take disciplinary action against his certificate to practice massage therapy in Ohio. The Board based its proposed action on the following allegations:
  - On or about August 31, 2003, Mr. Williams' certificate to practice massage therapy in Ohio had been suspended by operation of law, for nonpayment of renewal fees. Mr. Williams' certificate has not been reinstated to date.
  - On or about May 8, 2002, the Board had entered into a Consent Agreement with Mr. Williams in lieu of formal proceedings based upon violations of Sections 4731.22(A), (B)(5), and (B)(26), Ohio Revised Code. By this Consent Agreement, the Board had reprimanded Mr. Williams for violations of Sections 4731.22(A) and (B)(5), Ohio Revised Code, and had granted Mr. Williams a certificate to practice massage therapy, subject to probationary terms to remain in effect for a minimum of five years
  - Mr. Williams had failed to submit timely Declarations of Compliance to the Board on six occasions, and he had submitted false Declarations of Compliance on three occasions.
  - On May 13, 2003, Mr. Williams had failed to attend a scheduled personal appearance before the Board.
  - On several occasions, Mr. Williams had failed to submit to the Board proper documentation of urine screenings for drugs and alcohol.
  - On four occasions, Mr. Williams had failed to ensure timely reports to the Board from his monitoring massage therapist.

- On numerous occasions, Mr. Williams had failed to submit acceptable documentation of 12-step-program attendance.

The Board alleged that Mr. Williams' acts, conduct, and/or omissions, individually and/or collectively, constitute "making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine or 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," as that clause is used in R.C. 4731.22(B)(5)."

The Board further alleged that Mr. Williams' acts, conduct, and/or omissions, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice," as that clause is used in [ ] R.C. 4731.22(B)(15)."

Accordingly, the Board advised Mr. Williams of his right to a hearing in this matter. (Exhibit 2).

2. On November 13, 2003, and January 14, 2004, in accordance with Section 119.07, Ohio Revised Code, the Notice of Opportunity for Hearing was sent via certified mail, return receipt requested, to the last known address of record for Mr. Williams: 2705 Gatehouse Drive East, Cincinnati, Ohio 45215. A return receipt documenting proper service was not obtained from either of these mailings. Accordingly, on February 12, February 19, and February 26, 2004, a notice was published in the Cincinnati Enquirer advising Mr. Williams of the Notice of Opportunity for Hearing and its contents. The notice also advised that Mr. Williams had thirty days from the last date of publication to request a hearing. Proof of those publications was mailed to Mr. Williams' last known address of record on March 30, 2004. (Exhibits 4, 5).
3. As of March 30, 2004, more than thirty days following the last date of publication, the Board had not received a hearing request from Mr. Williams. (Exhibit 5).

#### **EVIDENCE EXAMINED**

1. Exhibit 1: March 30, 2004, Memorandum from Barbara A. Jacobs, Public Services Administrator, to Gregory Porter, Chief Hearing Officer.
2. Exhibit 2: Copy of the November 12, 2003, Notice of Opportunity for Hearing.
3. Exhibit 3: Certified copy of the May 8, 2002, Consent Agreement between Shelton Williams, Jr., L.M.T., and the Board.

4. Exhibit 4: March 30, 2004, Affidavit of Debra L. Jones, Continuing Medical Education and Renewal Officer for the Board.
5. Exhibit 5: March 30, 2004, Affidavit of Jacqueline A. Moore, Disciplinary Information Assistant for the Board, with one attached exhibit.
6. Exhibit 6: March 30, 2004, Affidavit of Danielle C. Bickers, Compliance Officer for the Board, with seven attached exhibits. (Note: Exhibit 6G has been sealed to protect the confidentiality of AA participants.)
7. Exhibit 7: July 7, 2004, Affidavit of Kay L. Rieve, Administrative Officer for the Board.

### **SUMMARY OF THE EVIDENCE**

All exhibits, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner.

1. On May 8, 2002, Shelton Williams, Jr., L.M.T., entered into a Consent Agreement with the Board, in which the Board granted Mr. Williams a certificate to practice massage therapy in Ohio, "upon receipt and appropriateness of necessary documentation." The Board entered into the Consent Agreement in lieu of formal proceedings against Mr. Williams based upon violations of Sections 4731.22(A), (B)(5), and (B)(26), Ohio Revised Code. (Exhibit 3).

The Consent Agreement was entered into on the basis of stipulations, admissions, and understandings, including Mr. Williams' admission that, in his application for a certificate to practice massage therapy, he had failed to fully and truthfully report all of his criminal convictions. (Exhibit 3). Specifically, Mr. Williams reported a 1997 Driving Under the Influence [DUI] conviction in Cincinnati, Ohio, but failed to report the following additional convictions:

- a July 1998 DUI conviction in the District Court of Montgomery County, Maryland;
- a November 1998 conviction for Driving Under Suspension in the Municipal Court of Clermont County, Ohio; and
- an October 1999 conviction for violation of his probation in the Municipal Court of Hamilton County, Ohio.

(Exhibit 3).

The Consent Agreement further states that Mr. Williams had been assessed at Bethesda Hospital, a Board-approved treatment provider, and had been diagnosed with alcohol dependence, in full sustained remission. Bethesda Hospital reported to the Board that Mr. Williams had completed all necessary treatment; that he had maintained sobriety since in or about August 1999; and that he had been found capable of practicing massage therapy according to acceptable and prevailing standards of care, with monitoring and continued participation in a 12-step program. (Exhibit 3).

Accordingly, in the Consent Agreement, the Board reprimanded Mr. Williams for his violations of Sections 4731.22(A) and (B)(5), Ohio Revised Code, and imposed probationary terms, conditions, and limitations upon Mr. Williams' certificate to practice massage therapy. Mr. Williams knowingly and voluntarily agreed to these terms, and he also agreed to refrain from requesting a termination of the Consent Agreement for at least five years. (Exhibit 3).

2. Paragraph 2 of Mr. Williams' Consent Agreement provides:

Mr. Williams shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

(Exhibit 3). Mr. Williams failed to submit timely Declarations of Compliance on the dates shown below:

<u>Due Date</u>	<u>Submission</u>
8/1/02	8/14/02
11/1/02	12/3/02
2/1/03	2/11/03
5/1/03	None
8/1/03	None
11/1/03	None

(Exhibit 6).

The Declarations of Compliance submitted on August 14, 2002, December 3, 2002, and February 11, 2003, were not only late, but also false, as delineated below:

<u>Date Submitted</u>	<u>Reason(s) Declaration of Compliance was False</u>
8/14/02	Missing urine screens and documentation of participation in alcohol and drug rehabilitation programs.
12/3/02	Missing documentation of participation in alcohol and drug rehabilitation programs.
2/11/03	Missing urine screens and documentation of participation in alcohol and drug rehabilitation programs.

(Exhibits 6, 6A, 6B, 6C).

3. Paragraph 3 of Mr. Williams' Consent Agreement provides:

Mr. Williams 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.

(Exhibit 3).

On May 13, 2003, pursuant to this clause, Mr. Williams was scheduled for an office conference with the Board Secretary, the designated representative of the Board. Mr. Williams failed to appear. Less than two hours before his scheduled appearance, Mr. Williams left a voicemail message with Board staff, indicating that he would not be appearing before the Board because he had experienced car trouble in Cincinnati. (Exhibits 6, 6D).

4. Paragraph 8 of Mr. Williams' Consent Agreement provides:

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

\* \* \*

All screening reports \* \* \* required under this paragraph must be received in the Board's offices no later than the due date for Mr. Williams' quarterly declaration. It is Mr. Williams' responsibility to ensure that reports are timely submitted.

(Exhibit 3).

Mr. Williams failed to ensure that his reports of urine screenings were timely submitted, as shown below:

<u>Month</u>	<u>Number Required</u>	<u>Number Documented</u>
6/02	2	0
7/02	2	0
8/02	2	0
9/02	2	1
10/02	2	1
11/02	2	1
12/02	2	0
2/03	2	1
3/03	2	1
4/03	2	0
5/03	2	1
6/03	2	0
7/03	2	0
8/03	2	0
9/03	2	0
10/03	2	0

(Exhibit 6).

5. Paragraph 10 of Mr. Williams' Consent Agreement provides for a monitoring massage therapist:

The monitoring [massage therapist] shall monitor Mr. Williams' progress and status and shall provide the Board with reports on Mr. Williams and his massage therapy practice. Mr. Williams shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Mr. Williams' quarterly declaration.

(Exhibit 3).

Mr. Williams failed to ensure that quarterly monitoring reports were forwarded to the Board on November 1, 2002; May 1, 2003; August 1, 2003; and November 1, 2003. (Exhibit 6).

6. Paragraph 11 of Mr. Williams' Consent Agreement provides:

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

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

(Exhibit 3).

Mr. Williams failed to submit acceptable documentary evidence of his requisite participation in an alcohol and drug rehabilitation program, as shown below:

<u>Week Beginning</u>	<u>Number Required</u>	<u>Number Documented</u>
6/9/02	2	0
6/16/02	2	0
6/23/02	2	0
6/30/02	2	0
7/7/02	2	0
7/14/02	2	0

7/21/02	0 <sup>1</sup>	0
7/28/02	0 <sup>2</sup>	0
8/4/02	2	0
8/11/02	2	1
8/18/02	2	1
9/8/02	2	1
9/15/02	2	1
9/29/02	2	0
10/6/02	2	0
10/27/02	2	1
12/1/02	2	0
12/8/02	2	0
12/15/02	2	0
2/9/03	2	0
2/16/03	2	0
2/23/03	2	0
3/2/03	2	0
3/9/03	2	0
3/16/03	2	0
3/23/03	2	0
3/30/03	2	0
4/6/03	2	0
4/13/03	2	0
4/20/03	2	0
4/27/03	2	0
5/4/03	2	0
5/11/03	2	0
5/18/03	2	0
5/25/03	2	0
6/1/03	2	0
6/8/03	2	0
6/15/03	2	0
7/6/03	2	0
7/13/03	2	0
7/20/03	2	0
7/27/03	2	0
8/3/03	2	0
8/10/03	2	0

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<sup>1</sup> This apparent typographical error appears both in the Notice of Opportunity for Hearing and Exhibit 6F.

<sup>2</sup> This apparent typographical error appears both in the Notice of Opportunity for Hearing and Exhibit 6F.

8/17/03	2	0
8/24/03	2	0
8/31/03	2	0
9/7/03	2	0
9/14/03	2	0
9/21/03	2	0
9/28/03	2	0
10/05/03	2	0
10/12/03	2	0
10/19/03	2	0
10/26/03	2	0
11/2/03	2	0

(Exhibit 6, 6F, 6G).

7. On September 1, 2003, Mr. Williams' certificate to practice massage therapy in Ohio was suspended by operation of law for nonpayment of renewal fees.<sup>3</sup> Mr. Williams' certificate has not been reinstated to date. (Exhibit 7).

### **PROPOSED FINDINGS**

1. a. On September 1, 2003, Mr. Williams' certificate to practice massage therapy in Ohio was suspended by operation of law for nonpayment of renewal fees, and has not been reinstated to date.
- b. On May 8, 2002, subsequent to Mr. Williams' submission of an application for a certificate to practice massage therapy in the State of Ohio, Mr. Williams entered into a Consent Agreement with the Board in lieu of formal proceedings based upon violations of Sections 4731.22(A), (B)(5) and (B)(26), Ohio Revised Code.

By this Consent Agreement, entered into on the basis of the included stipulations, admissions and understandings, the Board reprimanded Mr. Williams for his violations of Sections 4731.22(A) and (B)(5), Ohio Revised Code, and granted Mr. Williams a certificate to practice massage therapy in Ohio, upon receipt and appropriateness of necessary documentation, and subject to probationary terms, conditions and limitations.

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<sup>3</sup> See Section 4731.15(B), Ohio Revised Code

Mr. Williams knowingly and voluntarily agreed to the probationary terms, conditions, and limitations, and further agreed that he would not request termination of the Consent Agreement for a minimum of five years.

2. Paragraph 2 of the May 8, 2002, Consent Agreement provides:

Mr. Williams shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

- a. Despite this provision, Mr. Williams failed to submit timely Declarations of Compliance as stated below:

<u>Due Date</u>	<u>Submission</u>
8/1/02	8/14/02
11/1/02	12/3/02
2/1/03	2/11/03
5/1/03	None
8/1/03	None
11/1/03	None

- b. Further, Mr. Williams submitted false Declarations of Compliance, as delineated below:

<u>Date Submitted</u>	<u>Reason(s) Declaration of Compliance was False</u>
8/14/02	Missing urine screens and documentation of participation in alcohol and drug rehabilitation programs.
12/3/02 <sup>4</sup>	Missing documentation of participation in alcohol and drug rehabilitation programs.

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<sup>4</sup> In the Notice of Opportunity for Hearing, this date was erroneously listed as "12/1/02." (See Exhibit 6).

2/11/03

Missing urine screens and documentation of participation in alcohol and drug rehabilitation programs.

3. Paragraph 3 of the May 8, 2002, Consent Agreement provides:

Mr. Williams 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.

On May 13, 2003, Mr. Williams failed to appear at an office conference with the Board Secretary, the designated representative of the Board. Mr. Williams left a voicemail message at the Board offices less than two hours prior to his scheduled appearance time, stating that he would not be appearing because he had experienced car trouble in Cincinnati.

4. Paragraph 8 of the May 8, 2002, Consent Agreement provides:

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

\* \* \*

All screening reports \* \* \* required under this paragraph must be received in the Board's offices no later than the due date for Mr. Williams' quarterly declaration. It is Mr. Williams' responsibility to ensure that reports are timely submitted.

Reports of random urine screenings for drugs and alcohol (to be done twice monthly) were required to be forwarded directly to the Board on a quarterly basis. The reports were required to be received in the Board's offices no later than the due date for Mr. Williams' quarterly declarations.

Despite this mandate, Mr. Williams failed to ensure that the requisite reports of random urine screenings were timely submitted, as stated below:

<u>Month</u>	<u>Number Required</u>	<u>Number Documented</u>
6/02	2	0
7/02	2	0
8/02	2	0
9/02	2	1
10/02	2	1
11/02	2	1
12/02	2	0
2/03	2	1
3/03	2	1
4/03	2	0
5/03	2	1
6/03	2	0
7/03	2	0
8/03	2	0
9/03	2	0
10/03	2	0

5. Paragraph 10 of the May 8, 2002, Consent Agreement provides for a monitoring massage therapist:

The monitoring [massage therapist] shall monitor Mr. Williams' progress and status and shall provide the Board with reports on Mr. Williams and his massage therapy practice. Mr. Williams shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Mr. Williams' quarterly declaration.

Mr. Williams failed to ensure that the Monitoring reports were timely received at the Board offices on November 1, 2002; May 1, 2003; August 1, 2003; and November 1, 2003.

6. Paragraph 11 of the above Consent Agreement provides:

Within thirty days of the effective date of this Consent Agreement, Mr. Williams shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or C.A., no less than two

times per week. Substitution of any other specific program must receive prior Board approval.

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

Acceptable documentary evidence of Mr. Williams' continuing participation in an alcohol and drug rehabilitation program, at least two times per week, was required to be forwarded to the Board on a quarterly basis.

Despite this requirement, Mr. Williams failed to submit acceptable documentary evidence of his continuing participation in an alcohol and drug rehabilitation program, at least twice per week, as stated below.

<u>Week Beginning</u>	<u>Number Required</u>	<u>Number Documented</u>
6/9/02	2	0
6/16/02	2	0
6/23/02	2	0
6/30/02	2	0
7/7/02	2	0
7/14/02	2	0
7/21/02	0 <sup>5</sup>	0
7/28/02	0 <sup>6</sup>	0
8/4/02	2	0
8/11/02	2	1
8/18/02	2	1
9/8/02	2	1
9/15/02	2	1
9/29/02	2	0
10/6/02	2	0
10/27/02	2	1
12/1/02	2	0
12/8/02	2	0
12/15/02	2	0
2/9/03	2	0
2/16/03	2	0
2/23/03	2	0

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<sup>5</sup> This apparent typographical error appears both in the Notice of Opportunity for Hearing and Exhibit 6F.

<sup>6</sup> This apparent typographical error appears both in the Notice of Opportunity for Hearing and Exhibit 6F.

3/2/03	2	0
3/9/03	2	0
3/16/03	2	0
3/23/03	2	0
3/30/03	2	0
4/6/03	2	0
4/13/03	2	0
4/20/03	2	0
4/27/03	2	0
5/4/03	2	0
5/11/03	2	0
5/18/03	2	0
5/25/03	2	0
6/1/03	2	0
6/8/03	2	0
6/15/03	2	0
7/6/03	2	0
7/13/03	2	0
7/20/03	2	0
7/27/03	2	0
8/3/03	2	0
8/10/03	2	0
8/17/03	2	0
8/24/03	2	0
8/31/03	2	0
9/7/03	2	0
9/14/03	2	0
9/21/03	2	0
9/28/03	2	0
10/05/03	2	0
10/12/03	2	0
10/19/03	2	0
10/26/03	2	0
11/2/03	2	0

7. Mr. Williams' acts, conduct, and/or omissions, as set forth in Proposed Findings 2b, individually and/or collectively constitute "[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,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

8. Mr. Williams’ acts, conduct, and/or omissions, as set forth in Proposed Findings 2 through 6 above, individually and/or collectively constitute a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

\* \* \* \* \*

The Board granted Mr. Williams a certificate to practice massage therapy on the conditions set forth in his May 8, 2002, Consent Agreement. Mr. Williams has repeatedly failed to comply with his Consent Agreement. Further, Mr. Williams, who admitted being deceptive in his license application, has continued to attempt to deceive the Board. This conduct demonstrates that Mr. Williams is not willing to comply with his probation or to be honest with the Board. Since Mr. Williams’ noncompliance and deception demonstrate that the Board cannot effectively regulate his conduct, the safety of the public cannot be assured by continued monitoring of Mr. Williams’ practice. Accordingly, his certificate should be permanently revoked.

#### **PROPOSED ORDER**

It is hereby ORDERED that:

The certificate of Shelton Williams, Jr., L.M.T., to practice massage therapy in the State of Ohio shall be PERMANENTLY REVOKED.

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



Siobhan R. Clovis, Esq.  
Hearing Examiner



# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

November 12, 2003

Shelton Williams, Jr., M.T.  
2705 Gatehouse Drive E.  
Cincinnati, Ohio 45215

Dear Mr. Williams:

In accordance with R.C. Chapter 119., you are hereby notified that the State Medical Board of Ohio 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 or place you on probation for one or more of the following reasons:

- (1)(a) On or about August 31, 2003, your certificate to practice massage therapy in Ohio was suspended by operation of law, for nonpayment of renewal fees, and has not been reinstated to date.
- (b) On or about May 8, 2002, subsequent to your submission of an application for a certificate to practice massage therapy in the State of Ohio, you entered into a Consent Agreement with the State Medical Board of Ohio (Board) in lieu of formal proceedings based upon violation of R.C. 4731.22(A), (B)(5) and (B)(26).

By this Consent Agreement, entered into on the basis of the included stipulations, admissions and understandings, the Board reprimanded you for your violations of R.C. 4731.22(A) and (B)(5), and granted you a certificate to practice massage therapy in Ohio, upon receipt and appropriateness of necessary documentation, and subject to probationary terms, conditions and limitations.

You knowingly, and voluntarily, agreed to the Consent Agreement probationary terms, conditions, and limitations, and further agreed that you shall not request termination of the Consent Agreement for a minimum of five (5) years. A copy of your May 8, 2002 Consent Agreement is attached hereto and incorporated herein.

- (2) Paragraph 2 of the above Consent Agreement provides:

Mr. Williams 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

*Mailed 11-13-03*

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

- (a) In fact, you failed to submit timely Declarations of Compliance as stated below:

<u>Due Date</u>	<u>Submission</u>
8/1/02	8/14/02
11/1/02	12/3/02
2/1/03	2/11/03
5/1/03	None
8/1/03	None
11/1/03	None

- (b) In fact, the Declarations of Compliance you submitted were false, as delineated below:

<u>Date Submitted</u>	<u>Reason(s) Declaration was not in Compliance</u>
8/14/02	Missing urine screens and documentation of participation in alcohol and drug rehabilitation programs.
12/1/02	Missing documentation of participation in alcohol and drug rehabilitation programs.
2/11/03	Missing urine screens and documentation of participation in alcohol and drug rehabilitation programs.

- (3) Paragraph 3 of the above Consent Agreement provides:

Mr. Williams 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.

You were scheduled for an office conference with the designated representative of the Board, the Board Secretary, and failed to appear, on May 13, 2003. You left a voicemail message at the Board offices less than two hours prior to your scheduled appearance time, stating that you had experienced car trouble in Cincinnati and asking to be rescheduled.

- (4) Paragraph 8 of the above Consent Agreement provides:

Mr. Williams shall submit to random urine screenings for drugs and alcohol two times a month or as otherwise directed by the Board; Mr. Williams shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug-testing panel shall be acceptable to the Secretary of the Board. \* \* \* All screening reports \* \* \* required under this paragraph must be received in the Board's offices no later than the due date for Mr. Williams' quarterly declaration. It is Mr. Williams' responsibility to ensure that reports are timely submitted.

Reports of random urine screenings for drugs and alcohol two times a month were to be forwarded directly to the Board on a quarterly basis to be received in the Board's offices no later than the due date for your quarterly declarations.

In fact, you failed to ensure that reports of two per month random urine screenings, were timely submitted, as stated below:

<u>Month</u>	<u>Min Number Required</u>	<u>Number Documented</u>
6/02	2	0
7/02	2	0
8/02	2	0
9/02	2	1
10/02	2	1
11/02	2	1
12/02	2	0
2/03	2	1
3/03	2	1
4/03	2	0

<u>Month</u>	<u>Min Number Required</u>	<u>Number Documented</u>
5/03	2	1
6/03	2	0
7/03	2	0
8/03	2	0
9/03	2	0
10/03	2	0

- (5) Paragraph 10 of the above Consent Agreement provides for a Monitoring Massage Therapist:

\* \* \* The monitoring physician [massage therapist] shall monitor Mr. Williams' progress and status and shall provide the Board with reports on Mr. Williams and his massage therapy practice. Mr. Williams shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Mr. Williams's quarterly declaration. \* \* \*

You failed to ensure that the Monitoring reports were timely received at the Board offices as shown:

<u>Report Due Date</u>	<u>Received at Board offices</u>
11/1/02	None
5/1/03	None
8/1/03	None
11/1/03	None

- (6) Paragraph 11 of the above Consent Agreement provides:

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

Mr. Williams shall submit acceptable documentary evidence of continuing compliance with this program, which must be received

in the Board's offices no later than the due date for Mr. William's quarterly declarations.

Acceptable documentary evidence of your continuing compliance of participation in a alcohol and drug rehabilitation program, no less than two times per week, was required to be forwarded to the Board on a quarterly basis.

In fact, you failed to submit acceptable documentary evidence of your continuing compliance of participation in an alcohol and drug rehabilitation program, no less than two times per week, as stated below.

<u>Week</u> <u>Beginning</u>	<u>Min Number</u> <u>Required</u>	<u>Number</u> <u>Documented</u>
6/9/02	2	0
6/16/02	2	0
6/23/02	2	0
6/30/02	2	0
7/07/02	2	0
7/14/02	2	0
7/21/02	0	0
7/28/02	0	0
8/4/02	2	0
8/11/02	2	1
8/18/02	2	1
9/8/02	2	1
9/15/02	2	1
9/29/02	2	0
10/6/02	2	0
10/27/02	2	1
12/1/02	2	0
12/8/02	2	0
12/15/02	2	0
2/9/03	2	0
2/16/03	2	0
2/23/03	2	0
3/2/03	2	0
3/9/03	2	0
3/16/03	2	0
3/23/03	2	0
3/30/03	2	0
4/6/03	2	0

<u>Week</u>	<u>Min Number</u>	<u>Number</u>
<u>Beginning</u>	<u>Required</u>	<u>Documented</u>
4/13/03	2	0
4/20/03	2	0
4/27/03	2	0
5/4/03	2	0
5/11/03	2	0
5/18/03	2	0
5/25/03	2	0
6/1/03	2	0
6/8/03	2	0
6/15/03	2	0
7/6/03	2	0
7/13/03	2	0
7/20/03	2	0
7/27/03	2	0
8/3/03	2	0
8/10/03	2	0
8/17/03	2	0
8/24/03	2	0
8/31/03	2	0
9/7/03	2	0
9/14/03	2	0
9/21/03	2	0
9/28/03	2	0
10/5/03	2	0
10/12/03	2	0
10/19/03	2	0
10/26/03	2	0
11/2/03	2	0

Your acts, conduct, and/or omissions as alleged in subparagraph (2)(b) above, individually and/or collectively, constitute “[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,” as that clause is used in R.C. 4731.22(B)(5).

Further, your acts, conduct, and/or omissions as alleged in paragraphs 2-6 above, individually and/or collectively, constitute a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” as that clause is used in Section R.C. 4731.22(B)(15).

Pursuant to R.C. Chapter 119., you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must 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 or place you on probation.

Please note that, whether or not you request a hearing, R.C. 4731.22(L), 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/jag  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5140 1101  
RETURN RECEIPT REQUESTED

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF

\*

\*

SHELTON WILLIAMS, JR., M.T.

\*

**ORDER AND ENTRY**

On September 10, 2003, the State Medical Board of Ohio issued a Notice of Opportunity for Hearing to Shelton Williams, Jr., M.T., based on allegations that Mr. Williams had violated the terms of a Consent Agreement entered into on May 8, 2002. The Notice advised Mr. Williams that he had a right to request a hearing, however Mr. Williams did not request a hearing. To date, no presentation of evidence has commenced.

On behalf of the State Medical Board of Ohio, it is hereby ORDERED that the above referenced Notice of Opportunity for Hearing issued on September 10, 2003, be and is hereby DISMISSED WITHOUT PREJUDICE to future action.

(SEAL)



\_\_\_\_\_  
Lance A. Talmage, M.D.  
Secretary

\_\_\_\_\_  
10/22/03  
Date

CERTIFIED MAIL NO. 7000 0600 0024 5150 9500  
RETURN RECEIPT REQUESTED



# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

September 10, 2003

Shelton Williams, Jr., M.T.  
2705 Gatehouse Drive E.  
Cincinnati, Ohio 45215

Dear Mr. Williams:

In accordance with R.C. Chapter 119., you are hereby notified that the State Medical Board of Ohio 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 or place you on probation for one or more of the following reasons:

- (1)(a) On or about August 31, 2003, your certificate to practice massage therapy in Ohio was suspended by operation of law, for nonpayment of renewal fees, and has not been reinstated to date.
- (b) On or about May 8, 2002, subsequent to your submission of an application for a certificate to practice massage therapy in the State of Ohio, you entered into a Consent Agreement with the State Medical Board of Ohio (Board) in lieu of formal proceedings based upon violation of R.C. 4731.22(A), (B)(5) and (B)(26).

By this Consent Agreement, entered into on the basis of the included stipulations, admissions and understandings, the Board reprimanded you for your violations of R.C. 4731.22(A) and (B)(5), and granted you a certificate to practice massage therapy in Ohio, upon receipt and appropriateness of necessary documentation, and subject to probationary terms, conditions and limitations.

You knowingly, and voluntarily, agreed to the Consent Agreement probationary terms, conditions, and limitations, and that you shall not request termination of the Consent Agreement for a minimum of five (5) years. A copy of your May 8, 2002 Consent Agreement is attached hereto and incorporated herein.

- (2) Paragraph 2 of the above Consent Agreement provides:

Mr. Williams 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

*Mailed 9-11-03*

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

- (a) In fact, you failed to submit timely Declarations of Compliance as stated below:

<u>Due Date</u>	<u>Submission</u>
8/1/02	8/14/02
11/1/02	12/1/02
2/1/02	None
5/1/03	None
8/1/03	None

- (b) In fact, you submitted false Declarations of Compliance stating that you were in compliance with all the conditions of the above Consent Agreement as shown below:

<u>Date Submitted</u>	<u>Reason(s) Declaration was not in Compliance</u>
8/14/02	Missing urine screenings reports and documentation of participation in alcohol and drug rehabilitation programs.
12/1/02 (due by 11/1/02)	Missing documentation of participation in alcohol and drug rehabilitation programs.

- (3) Paragraph 3 of the above Consent Agreement provides:

Mr. Williams 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.

You were scheduled for an office conference with the designated representative of the Board, the Board Secretary, and failed to appear, as shown below:

<u>Date Scheduled</u>	<u>Failed to Appear</u>
5/13/03	You left voice mail at Board Offices 1.5 hrs prior to scheduled time of Columbus appearance; car trouble in Cincinnati, you asked to be rescheduled.
6/10/03 (rescheduled from 5/13)	No phone call; you did not appear.

(4) Paragraph 8 of the above Consent Agreement provides:

Mr. Williams shall submit to random urine screenings for drugs and alcohol two times a month or as otherwise directed by the Board; Mr. Williams shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug-testing panel shall be acceptable to the Secretary of the Board. \* \* \* All screening reports \* \* \* required under this paragraph must be received in the Board's offices no later than the due date for Mr. Williams' quarterly declaration. It is Mr. Williams' responsibility to ensure that reports are timely submitted.

Reports of random urine screenings for drugs and alcohol two times a month were to be forwarded directly to the Board on a quarterly basis to be received in the Board's offices no later than the due date for your quarterly declarations.

In fact, you failed to ensure that reports of two per month random urine screenings, were timely submitted, as stated below:

<u>Month</u>	<u>Min Number Required</u>	<u>Number Documented</u>
6/02	2	0
7/02	2	0
8/02	2	0
9/02	2	1
10/02	2	1
11/02	2	1
12/02	2	0

1/03	2	2
2/03	2	1
3/03	2	1
4/03	2	0
5/03	2	1
6/03	2	0
7/03	2	0

- (5) Paragraph 10 of the above Consent Agreement provides for a Monitoring Massage Therapist:

\* \* \* The monitoring physician [massage therapist] shall monitor Mr. Williams' progress and status and shall provide the Board with reports on Mr. Williams and his massage therapy practice. Mr. Williams shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Mr. Williams's quarterly declaration. \* \* \*

You failed to ensure that the Monitoring reports were timely received at the Board offices as shown:

<u>Report Due Date</u>	<u>Received at Board offices</u>
5/1/03	None
8/1/03	None

- (6) Paragraph 11 of the above Consent Agreement provides:

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

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

Acceptable documentary evidence of your continuing compliance of participation in a alcohol and drug rehabilitation program, no less than two times per week, was required to be forwarded to the Board on a quarterly basis.

In fact, you failed to submit acceptable documentary evidence of your continuing compliance of participation in an alcohol and drug rehabilitation program, no less than two times per week, as stated below.

<u>Month</u>	<u>Min Number Required</u>	<u>Number Documented</u>
6/02	8	0
7/02	8	0
8/02	8	3
9/02	8	4
10/02	8	2
11/02	8	5
12/02	8	1
1/03	8	4
2/03	8	2
3/03	8	0
4/03	8	0
5/03	8	1
6/03	8	4
7/03	8	1

Your acts, conduct, and/or omissions as alleged in subparagraph (2)(b) above, individually and/or collectively, constitute “[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,” as that clause is used in R.C. 4731.22(B)(5) to wit: R.C. 2921.13.

Further, your acts, conduct, and/or omissions as alleged in paragraphs 2-6 above, individually and/or collectively, constitute a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” as that clause is used in Section R.C. 4731.22(B)(15).

Pursuant to R.C. Chapter 119., you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must 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 or place you on probation.

Please note that, whether or not you request a hearing, R.C. 4731.22(L), 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,

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", with a stylized flourish at the end.

Lance A. Talmage, M.D.  
Secretary

LAT/jag  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5150 5489  
RETURN RECEIPT REQUESTED

**CONSENT AGREEMENT  
BETWEEN  
SHELTON WILLIAMS, JR., M.T.,  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

Mr. Williams 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.

**BASIS FOR ACTION**

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

- A. The Board is empowered under Section 4731.22(A), Ohio Revised Code, to refuse to grant a certificate to a person found by the board "to have committed fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the Board." The Board is further empowered by Section 4731.22(B), 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 violation of Section 4731.22(B)(5), "making a false, fraudulent deceptive, or misleading statement . . . in securing or attempting to secure any certificate to practice or certificate of registration issued by the board" or Section 4731.22(B)(26), "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."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Sections 4731.22(A), (B)(5) and (B)(26), Ohio Revised Code, as set forth in Paragraphs E and F, below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.
- C. Mr. Williams is applying for a certificate to practice massage therapy in the State of Ohio.

- D. Mr. Williams states that he is not licensed to practice massage therapy in any other state.
- E. Mr. Williams admits that he was convicted in Hamilton County, Ohio, in July 1997 of driving under the influence ("DUI") and that he subsequently completed a three day treatment program at Talbert House in Cincinnati, Ohio. Mr. Williams further admits that he was convicted in Montgomery County, Maryland, in July 1998 of DUI and that he subsequently completed the rehabilitation phase of treatment, involving daily outpatient sessions, at the Kolmac Clinic in Silver Spring, Maryland, from July 16, 1998, to August 21, 1998, at which time he was diagnosed with alcohol dependence. Mr. Williams further admits that he then returned to Ohio to attend school and failed to enter the continuing care phase of treatment as recommended by the providers at the Kolmac Clinic and as required by the terms of his probation stemming from his second DUI.

Mr. Williams states, and the Board acknowledges, that the Board has received documentation that Mr. Williams successfully completed the intensive alcohol and drug treatment program at Bethesda Hospital in Cincinnati, Ohio, from August 19, 1999, to September 30, 1999, and the aftercare treatment program at Bethesda Hospital from October 4, 1999, to February 13, 2001. Mr. Williams further states that he was released from his criminal probation in August 2001.

Mr. Williams further states, and the Board acknowledges, that the Board has received a written report from Cathy Jo Veroni, MA, LPC, CCDCIII-E, and Ali Arani, M.D., of Bethesda Hospital, a Board-approved treatment provider, indicating that Mr. Williams has been assessed; that his diagnosis is alcohol dependence, in full sustained remission; that he has completed all necessary treatment; that he has maintained sobriety since in or about August 1999; and that he has been found capable of practicing massage therapy according to acceptable and prevailing standards of care, with monitoring and continued participation in a 12 step program.

- F. Mr. Williams further admits that in completing his Application For Certificate to Practice a Limited Branch of Medicine and Surgery, Massage Therapy, in February 2001, he answered "Yes" to question eleven, which asked "[h]ave you ever been convicted or found guilty of a violation of any law, regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation?" and explained that he was found guilty in 1997 in Cincinnati, Ohio, of DUI. As part of his application, Mr. Williams also signed an Affidavit and Release form in which he certified that all statements made in his application were true.

Mr. Williams further admits that, in fact, he was also convicted in July 1998, in the District Court of Maryland, Montgomery County, of DUI; in November 1998, in the Clermont County, Ohio, Municipal Court, of driving under suspension; and in October 1999, in the Hamilton County Municipal Court, of violation of his probation.

### **AGREED CONDITIONS**

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Shelton Williams, Jr., M.T., shall be granted a certificate to practice massage therapy in the State of Ohio, upon receipt and appropriateness of necessary documentation, and knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

1. Mr. Williams shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
2. Mr. Williams shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Mr. Williams shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. In the event that Mr. Williams should leave Ohio for three continuous months, or reside or practice outside the State, Mr. Williams must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under this Consent Agreement, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
5. In the event Mr. Williams is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

## **MONITORING OF REHABILITATION AND TREATMENT**

### **Sobriety**

6. Mr. Williams 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. Williams' history of chemical dependency.
7. Mr. Williams shall abstain completely from the use of alcohol.

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

8. Mr. Williams shall submit to random urine screenings for drugs and alcohol two times a month or as otherwise directed by the Board. Mr. Williams 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 days of the effective date of this Consent Agreement, Mr. Williams shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Mr. Williams 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. Williams. Mr. Williams 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. Williams 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. Williams must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Mr. Williams 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. Williams' quarterly declaration. It is Mr. Williams' responsibility to ensure that reports are timely submitted.

9. The Board retains the right to require, and Mr. Williams agrees to submit, blood or urine specimens for analysis at Mr. Williams' expense upon the Board's request and without prior notice. Mr. Williams' 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 Massage Therapist**

10. Before engaging in any massage therapy practice, Mr. Williams shall submit the name and curriculum vitae of a monitoring massage therapist for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a massage therapist who practices in the same locale as Mr. Williams.

The monitoring physician shall monitor Mr. Williams' progress and status and shall provide the Board with reports on Mr. Williams and his massage therapy practice. Mr. Williams shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Mr. Williams' quarterly declaration.

In the event that the designated monitoring massage therapist becomes unable or unwilling to serve in this capacity, Mr. Williams must immediately so notify the Board in writing. In addition, Mr. Williams shall make arrangements acceptable to the Board for another monitoring massage therapist within thirty days after the previously designated monitoring massage therapist becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Mr. Williams shall ensure that the previously designated monitoring massage therapist also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

### **Rehabilitation Program**

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

approval.

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

### **Releases**

12. Mr. Williams shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the Board, to treating physicians and monitoring massage therapists, 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 days of the effective date of this Consent Agreement, Mr. Williams shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide massage therapy services or is receiving training. Further, Mr. Williams shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide massage therapy services, or applies for or receives training.
14. Within thirty days of the effective date of this Consent Agreement, Mr. Williams 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. Williams 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 for reinstatement of any professional license. Further, Mr. Williams shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

### **REPRIMAND**

15. Mr. Williams is hereby REPRIMANDED for his violations of Sections 4731.22(A) and (B)(5) violations, Ohio Revised Code.

### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the Board, Mr. Williams appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible

violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Mr. Williams has violated any term, condition or limitation of this Consent Agreement, Mr. Williams 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(G), Ohio Revised Code.

#### **DURATION/MODIFICATION OF TERMS**

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

#### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

Mr. Williams 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.

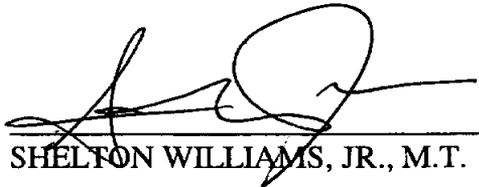
Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

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

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

#### **EFFECTIVE DATE**

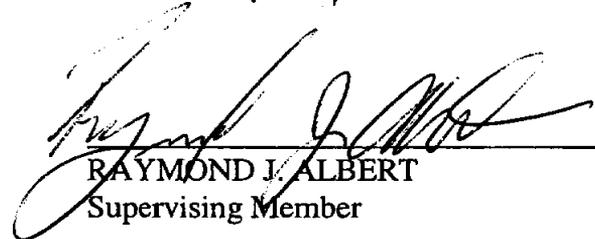
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
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SHELTON WILLIAMS, JR., M.T.

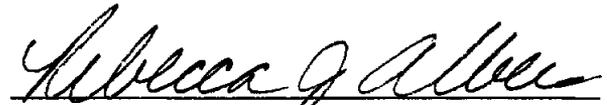
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ANAND G. GARG, MD.  
Secretary

05/08/02  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
RAYMOND J. ALBERT  
Supervising Member

5/8/02  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
REBECCA J. ALBERS, ESQ.  
Assistant Attorney General

5/8/02  
\_\_\_\_\_  
DATE

**CONSENT AGREEMENT  
BETWEEN  
SHELTON WILLIAMS, JR., M.T.,  
AND  
THE STATE MEDICAL BOARD OF OHIO**

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

Mr. Williams 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.

**BASIS FOR ACTION**

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

- A. The Board is empowered under Section 4731.22(A), Ohio Revised Code, to refuse to grant a certificate to a person found by the board “to have committed fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the Board.” The Board is further empowered by Section 4731.22(B), 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 violation of Section 4731.22(B)(5), “making a false, fraudulent deceptive, or misleading statement . . . in securing or attempting to secure any certificate to practice or certificate of registration issued by the board” or Section 4731.22(B)(26), “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.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Sections 4731.22(A), (B)(5) and (B)(26), Ohio Revised Code, as set forth in Paragraphs E and F, below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.
- C. Mr. Williams is applying for a certificate to practice massage therapy in the State of Ohio.

- D. Mr. Williams states that he is not licensed to practice massage therapy in any other state.
- E. Mr. Williams admits that he was convicted in Hamilton County, Ohio, in July 1997 of driving under the influence (“DUI”) and that he subsequently completed a three day treatment program at Talbert House in Cincinnati, Ohio. Mr. Williams further admits that he was convicted in Montgomery County, Maryland, in July 1998 of DUI and that he subsequently completed the rehabilitation phase of treatment, involving daily outpatient sessions, at the Kolmac Clinic in Silver Spring, Maryland, from July 16, 1998, to August 21, 1998, at which time he was diagnosed with alcohol dependence. Mr. Williams further admits that he then returned to Ohio to attend school and failed to enter the continuing care phase of treatment as recommended by the providers at the Kolmac Clinic and as required by the terms of his probation stemming from his second DUI.

Mr. Williams states, and the Board acknowledges, that the Board has received documentation that Mr. Williams successfully completed the intensive alcohol and drug treatment program at Bethesda Hospital in Cincinnati, Ohio, from August 19, 1999, to September 30, 1999, and the aftercare treatment program at Bethesda Hospital from October 4, 1999, to February 13, 2001. Mr. Williams further states that he was released from his criminal probation in August 2001.

Mr. Williams further states, and the Board acknowledges, that the Board has received a written report from Cathy Jo Veroni, MA, LPC, CCDCIII-E, and Ali Arani, M.D., of Bethesda Hospital, a Board-approved treatment provider, indicating that Mr. Williams has been assessed; that his diagnosis is alcohol dependence, in full sustained remission; that he has completed all necessary treatment; that he has maintained sobriety since in or about August 1999; and that he has been found capable of practicing massage therapy according to acceptable and prevailing standards of care, with monitoring and continued participation in a 12 step program.

- F. Mr. Williams further admits that in completing his Application For Certificate to Practice a Limited Branch of Medicine and Surgery, Massage Therapy, in February 2001, he answered “Yes” to question eleven, which asked “[h]ave you ever been convicted or found guilty of a violation of any law, regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation?” and explained that he was found guilty in 1997 in Cincinnati, Ohio, of DUI. As part of his application, Mr. Williams also signed an Affidavit and Release form in which he certified that all statements made in his application were true.

Mr. Williams further admits that, in fact, he was also convicted in July 1998, in the District Court of Maryland, Montgomery County, of DUI; in November 1998, in the Clermont County, Ohio, Municipal Court, of driving under suspension; and in October 1999, in the Hamilton County Municipal Court, of violation of his probation.

### **AGREED CONDITIONS**

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Shelton Williams, Jr., M.T., shall be granted a certificate to practice massage therapy in the State of Ohio, upon receipt and appropriateness of necessary documentation, and knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

1. Mr. Williams shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
2. Mr. Williams shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Mr. Williams shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. In the event that Mr. Williams should leave Ohio for three continuous months, or reside or practice outside the State, Mr. Williams must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under this Consent Agreement, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
5. In the event Mr. Williams is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

## **MONITORING OF REHABILITATION AND TREATMENT**

### **Sobriety**

6. Mr. Williams 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. Williams' history of chemical dependency.
7. Mr. Williams shall abstain completely from the use of alcohol.

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

8. Mr. Williams shall submit to random urine screenings for drugs and alcohol two times a month or as otherwise directed by the Board. Mr. Williams 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 days of the effective date of this Consent Agreement, Mr. Williams shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Mr. Williams 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. Williams. Mr. Williams 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. Williams 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. Williams must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Mr. Williams 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. Williams' quarterly declaration. It is Mr. Williams' responsibility to ensure that reports are timely submitted.

9. The Board retains the right to require, and Mr. Williams agrees to submit, blood or urine specimens for analysis at Mr. Williams' expense upon the Board's request and without prior notice. Mr. Williams' 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 Massage Therapist**

10. Before engaging in any massage therapy practice, Mr. Williams shall submit the name and curriculum vitae of a monitoring massage therapist for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a massage therapist who practices in the same locale as Mr. Williams.

The monitoring physician shall monitor Mr. Williams' progress and status and shall provide the Board with reports on Mr. Williams and his massage therapy practice. Mr. Williams shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Mr. Williams' quarterly declaration.

In the event that the designated monitoring massage therapist becomes unable or unwilling to serve in this capacity, Mr. Williams must immediately so notify the Board in writing. In addition, Mr. Williams shall make arrangements acceptable to the Board for another monitoring massage therapist within thirty days after the previously designated monitoring massage therapist becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Mr. Williams shall ensure that the previously designated monitoring massage therapist also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

### **Rehabilitation Program**

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

approval.

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

### **Releases**

12. Mr. Williams shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the Board, to treating physicians and monitoring massage therapists, 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 days of the effective date of this Consent Agreement, Mr. Williams shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide massage therapy services or is receiving training. Further, Mr. Williams shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide massage therapy services, or applies for or receives training.
14. Within thirty days of the effective date of this Consent Agreement, Mr. Williams 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. Williams 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 for reinstatement of any professional license. Further, Mr. Williams shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

### **REPRIMAND**

15. Mr. Williams is hereby REPRIMANDED for his violations of Sections 4731.22(A) and (B)(5) violations, Ohio Revised Code.

### **FAILURE TO COMPLY**

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

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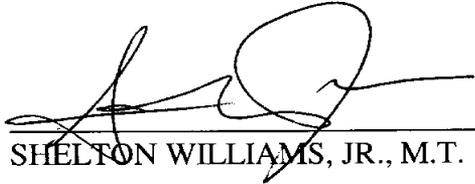
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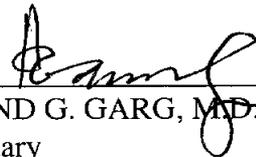
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#### **EFFECTIVE DATE**

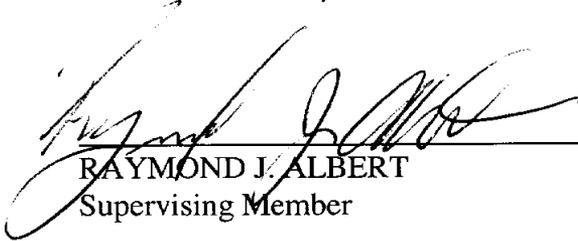
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SHELTON WILLIAMS, JR., M.T.

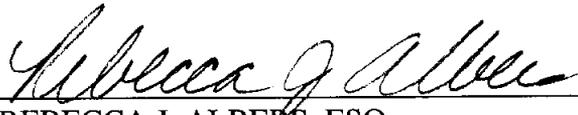
  
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ANAND G. GARG, M.D.  
Secretary

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Assistant Attorney General

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