

**CONSENT AGREEMENT
BETWEEN
SHANNON R. KELLEY, M.T.
AND
THE STATE MEDICAL BOARD OF OHIO**

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

Ms. Kelley enters into this Consent Agreement being fully informed of her rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

BASIS FOR ACTION

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

- A. The Board is 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 a violation of Section 4731.22(B)(5), Ohio Revised Code, “[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, podiatry, 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)(5), Ohio Revised Code, as set forth in Paragraph E, 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. Ms. Kelley has submitted an application to restore her license to practice massage therapy in the State of Ohio, License number 33.012959, on or about October 31, 2007. Her application remains pending to date.
- D. Ms. Kelley states that she is not licensed to practice massage therapy in any other state or jurisdiction.

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- E. Ms. Kelley admits that she has practiced, advertised and announced herself as a licensed massage therapist since in or about February 2004 to in or about October 2007, despite the fact that her license became inactive on or about August 31, 2005. Ms. Kelley further admits that she erroneously believed that her license was to be renewed in or about February 2008 and discovered her error upon contacting the Board to renew her license. Ms. Kelley further admits that she ceased practicing as a massage therapist in or about October 2007, upon discovering that her license was inactive.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Ms. Kelley's application for restoration of her certificate to practice massage therapy in the State of Ohio is GRANTED, upon receipt of all necessary and appropriate documentation and provided she otherwise meets all statutory and regulatory requirements, and Ms. Kelley knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

1. Ms. Kelley shall be and is hereby REPRIMANDED.

Further, Ms. Kelley knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations for a period of at least two years:

2. Ms. Kelley shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
3. In the event Ms. Kelley 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.
4. Within thirty days of the effective date of this Consent Agreement, Ms. Kelley shall provide a copy of this Consent Agreement to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Ms. Kelley shall provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments.
5. Within thirty days of the effective date of this Consent Agreement, Ms. Kelley shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license. Ms. Kelley further agrees to provide a copy of this

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Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which she applies for any professional license or for reinstatement of any professional license. Further, Ms. Kelley shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

6. Ms. Kelley 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.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Ms. Kelley 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 Ms. Kelley has violated any term, condition or limitation of this Consent Agreement, Ms. Kelley agrees that the violation, as alleged, also constitutes clear and convincing evidence that her continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

Ms. Kelley shall not request termination of this Consent Agreement for a minimum of two years. In addition, Ms. Kelley 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

Ms. Kelley acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the Board based on alleged violations of this Consent Agreement shall

comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

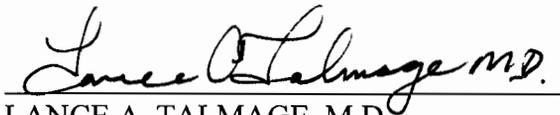
Ms. Kelley hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

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. Ms. Kelley acknowledges that her social security number will be used if this information is so reported and agrees to provide her social security number to the Board for such purposes.

EFFECTIVE DATE

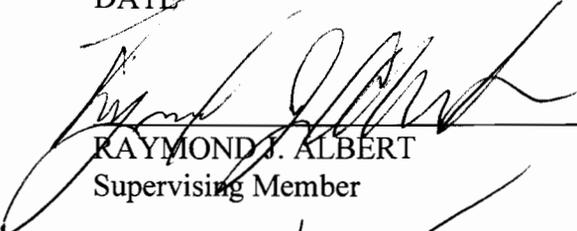
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.


SHANNON R. KELLEY, M.T.


LANCE A. TALMAGE, M.D.
Secretary

2-8-08
DATE

2-13-08
DATE


RAYMOND J. ALBERT
Supervising Member

2/13/08
DATE


MARCIE PASTRICK
Enforcement Attorney

Feb. 12, 2008
DATE

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