

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov



September 10, 2008

Robert L. Wolfe, M.T.
644 Portage Street NW
Canton, OH 44720

RE: Case No. 08-CRF-031

Dear Mr. Wolfe:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Patricia A. Davidson, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 10, 2008, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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 an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with 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, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in black ink that reads "Lance A. Talmage, M.D." The signature is written in a cursive style.

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

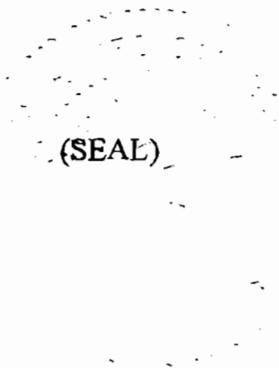
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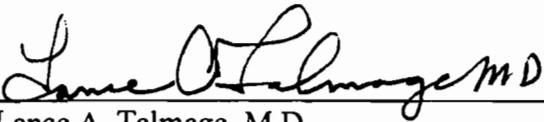
Mailed 9-12-08

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 10, 2008, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Robert L. Wolfe, M.T., Case No. 08-CRF-031, as it appears in the Journal of the State Medical Board of Ohio.

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




Lance A. Talmage, M.D.
Secretary

September 10, 2008
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

* CASE NO. 08-CRF-031

ROBERT L. WOLFE, M.T.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on September 10, 2008.

Upon the Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

- A. The certificate of Robert L. Wolf, M.T., to practice massage therapy in the State of Ohio, certificate number 33.013229, is hereby **REVOKED**.
- B. **CONDITIONS PLACED ON ANY FUTURE APPLICATION:** Mr. Wolfe shall not apply in the future for a certificate to practice massage therapy in the State of Ohio, or for any other certificate issued by the Board, until all of the following conditions are met.¹
 1. **Application:** Mr. Wolfe shall submit an application, accompanied by appropriate fees.
 2. **Demonstration of Ability to Practice:** Mr. Wolfe shall demonstrate to the satisfaction of the Board that he can 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:

¹ Note: Even if Mr. Wolfe chooses not to apply for a certificate in the future, this Order sets forth notification requirements that may, if applicable, require him to notify certain persons/entities of this Order within 30 days. (See section D, below.)

- a. Certification from a treatment provider approved by the Board that Mr. Wolfe has successfully completed any treatment required by the Board, including treatment required by statutes and/or administrative rules in effect at the time of the application.
- b. Evidence that Mr. Wolfe, immediately upon completion of any required treatment for chemical dependency, entered into an aftercare contract with a treatment provider approved by the Board; and, in addition, evidence of continuing full compliance with, or successful completion of, the post-discharge aftercare contract with a Board-approved treatment provider, except that, where the terms of the aftercare contract conflict with the terms of this Order, the terms of this Order shall control. 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, or other administrative rule in effect at the time of the application.
- c. Evidence of continuing full compliance with this Order.
- d. Two written reports indicating that Mr. Wolfe's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care.

The reports shall be made by physicians 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. Wolfe. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Mr. Wolfe shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Order. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Mr. Wolfe, and any conditions, restrictions, or limitations that should be imposed on Mr. Wolfe's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based on examinations occurring within the three months immediately preceding any application for licensure. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

- e. In the event that Mr. Wolfe has not been engaged in the active practice of massage therapy for a period in excess of two years prior to his application for licensure, the Board may exercise its discretion under Section 4731.222,

Ohio Revised Code, to require additional evidence of Mr. Wolfe's fitness to resume practice.

- C. **PROBATIONARY CONDITIONS TO BE PLACED ON ANY FUTURE CERTIFICATE GRANTED BY THE BOARD:** In the event that the Board should grant a future application by Mr. Wolfe for a certificate to practice massage therapy in the State of Ohio, or for any other certificate issued by the Board, that certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Obey the Law:** Mr. Wolfe shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy or other licensed practice in Ohio. In addition, he shall obey all terms imposed by the Barberton Municipal Court in its order dated August 3, 2007, and any additional terms imposed by the court in that case.
 2. **Quarterly Appearances:** Mr. Wolfe shall appear in person for an interview before the full Board or its designated representative during the third month following the month during which the Board issues the future certificate, or as otherwise requested by the Board. 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.
 3. **Quarterly Declarations:** Mr. Wolfe 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 Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the issuance of the future certificate, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 4. **Sobriety**
 - a. **Abstinence from Drugs:** Mr. Wolfe shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Mr. Wolfe's history of chemical dependency. Further, in the event that Mr. Wolfe is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Mr. Wolfe shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Mr. Wolfe received; the medical purpose for which he received the drug; the date the drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date the drug is so prescribed, dispensed, or administered to

him, Mr. Wolfe shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

- b. **Abstention from Alcohol**: Mr. Wolfe shall abstain completely from the use of alcohol.

5. **Drug & Alcohol Screens; Drug-testing Facility and Collection Site**

- a. Mr. Wolfe shall submit to random urine screenings for alcohol and drugs at least four times per month, or as otherwise directed by the Board. Mr. Wolfe shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug-testing panel used must be acceptable to the Secretary of the Board, and shall include Mr. Wolfe's drug(s) of choice.
- b. Mr. Wolfe shall submit, at his expense and on the day selected, urine specimens for alcohol and/or drug analysis. (The term "toxicology screen" is also used herein for "urine screen" and/or "drug screen.")

All specimens submitted by Mr. Wolfe shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Order.

Refusal to submit a specimen, or failure to submit a specimen on the day he is selected or in the manner as the Board may request, shall constitute a violation of this Order.

- c. Mr. Wolfe shall abstain from the use of any substance that may produce a positive result in a toxicology screen, including the consumption of poppy seeds or other food or liquid that may produce a positive result on a toxicology screen.

Mr. Wolfe shall be held to an understanding and knowledge that the consumption or use of various substances, including but not limited to mouthwashes, hand-cleaning gels, and cough syrups, may cause a positive toxicology screen, and that unintentional ingestion of a substance is not distinguishable from intentional ingestion on a toxicology screen, and that, therefore, consumption or use of substances that may produce a positive result in a toxicology screen is prohibited under this Order.

- d. All screenings for drugs and alcohol shall be conducted through a Board-approved drug-testing facility and a Board-approved collection site, except as provided in Paragraph 6 below ("Alternative Drug-testing and/or Collection Site"). Further, the screening process shall require a daily call-in procedure.
- e. Within thirty days of the effective date of this Order, Mr. Wolfe shall enter into the necessary financial and/or contractual arrangements with the Board-

approved drug-testing facility and/or collection site (“DFCS”) in order to facilitate the screening process in the manner required by this Order.

Further, within thirty days of making such arrangements, Mr. Wolfe shall provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Mr. Wolfe and the Board-approved DFCS. Mr. Wolfe’s failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Order.

- f. Mr. Wolfe shall ensure that the urine-screening process performed through the Board-approved DFCS requires a daily call-in procedure; 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, Mr. Wolfe and the Board-approved DFCS shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

- g. Mr. Wolfe shall ensure that the Board-approved DFCS provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.
- h. In the event that the Board-approved DFCS becomes unable or unwilling to serve as required by this Order, Mr. Wolfe must immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph 6 below, as soon as practicable. Mr. Wolfe shall further ensure that the Board-approved DFCS also notifies the Board directly of its inability to continue to serve and the reasons therefore.
- i. Mr. Wolfe acknowledges that the Board expressly reserves the right to withdraw its approval of any DFCS in the event that the Secretary and Supervising Member of the Board determine that the DFCS has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

- 6. **Alternative Drug-testing Facility and/or Collection Site:** It is the intent of this Order that Mr. Wolfe shall submit urine specimens to the Board-approved DFCS chosen by the Board. However, in the event that using the Board-approved DFCS creates an extraordinary hardship on Mr. Wolfe, as determined in the sole discretion of the Board, then, subject to the following requirements, the Board may approve an alternative DFCS or a supervising physician to facilitate the urine-screening process for Mr. Wolfe.

- a. Within thirty days of the date on which Mr. Wolfe is notified of the Board's determination that utilizing the Board-approved DFCS constitutes an extraordinary hardship on Mr. Wolfe, he shall submit to the Board in writing for its prior approval the identity of either an alternative DFCS or the name of a proposed supervising physician to whom Mr. Wolfe shall submit the required urine specimens.

In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Mr. Wolfe's residence or employment location, or to a physician who practices in the same locale as Mr. Wolfe. Mr. Wolfe shall ensure that the urine-screening process performed through the alternative DFCS or through the supervising physician requires a daily call-in procedure; 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, Mr. Wolfe acknowledges that the alternative DFCS or the supervising physician shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

- b. Mr. Wolfe shall ensure that the alternative DFCS or the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.
- c. In the event that the designated alternative DFCS or the supervising physician becomes unable or unwilling to so serve, Mr. Wolfe must immediately notify the Board in writing. Mr. Wolfe shall further ensure that the previously designated alternative DFCS or the supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefore. Further, in the event that the approved alternative DFCS or supervising physician becomes unable to serve, Mr. Wolfe shall, in order to ensure that there will be no interruption in his urine-screening process, immediately commence urine screening at the Board-approved DFCS chosen by the Board, until such time, if any, that the Board approves a different DFCS or supervising physician, if requested by Mr. Wolfe.
- d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Mr. Wolfe's designated alternative DFCS or any person proposed to serve as his supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

7. **Reports regarding Drug & Alcohol Screens:** All screening reports required under this Order from the Board-approved DFCS, the alternative DFCS and/or supervising physician must be received in the Board's offices no later than the due

date for Mr. Wolfe's quarterly declaration. It is Mr. Wolfe's responsibility to ensure that reports are timely submitted.

8. **Additional Screening without Prior Notice:** On the Board's request and without prior notice, Mr. Wolfe must provide a specimen of his blood, breath, saliva, urine, and/or hair for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Mr. Wolfe, or for any other purpose, at Mr. Wolfe's expense. Mr. Wolfe's refusal to submit a specimen on request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.
9. **Rehabilitation Program:** Within seven days of being granted a future certificate by the Board, Mr. Wolfe shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or C.A., no less than three times per week, or as otherwise ordered by the Board. Substitution of any other specific program must receive prior Board approval.

Mr. Wolfe shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Mr. Wolfe's quarterly declarations.
10. **Modification of Terms:** Mr. Wolfe shall not request modification of the terms, conditions, or limitations of probation for at least one year after the probation begins.
11. **Releases:** Mr. Wolfe shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Mr. Wolfe's chemical dependency, impairment, or related conditions, or for purposes of complying with the terms and conditions in sections B and C of this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. To the extent permitted by law, 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. Wolfe further shall 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 Order.
12. **Absences from Ohio:** Mr. Wolfe shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member

of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.

Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Order for occasional periods of absence of fourteen days or less. In the event that Mr. Wolfe resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and a contiguous state, Mr. Wolfe may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Mr. Wolfe is otherwise able to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

13. **Required Reporting of Change of Address:** Mr. Wolfe shall notify the Board in writing of any change of residence address and/or principal practice address within thirty days of the change.
14. **Tolling of Probationary Period while Out of Compliance:** In the event Mr. Wolfe is found by the Secretary of the Board to have failed to comply with any provision of this Order, 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 Order.
15. **Required Reporting to Treatment Providers/Monitors:** Mr. Wolfe shall promptly provide a copy of this Order to all persons and entities that provide chemical-dependency treatment to or monitoring of Mr. Wolfe.

Further, Mr. Wolfe shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

16. **Required Reporting in the Event of a Future Certificate or Future Training Related to a Certificate:** In the event that the Board grants a future certificate to Mr. Wolfe, or as otherwise determined by the Board, Mr. Wolfe shall promptly provide a copy of this Order to all employers or entities with which he contracts to provide health-care services (including but not limited to third-party payors) or entities to which Mr. Wolfe applies for or receives future training related to a certificate, and the chief of staff at each hospital or health-care center where he applies for or obtains privileges or appointments.

For massage therapists, the term “health-care services” includes massage therapy, and the term “health-care center” includes but is not limited to entities that may be referred to as a wellness center, exercise center, health club, spa, salon, or gymnasium.

Further, Mr. Wolfe shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

D. REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER

1. **Required Reporting to Employers and Others:** Within thirty days of the effective date of this Order, Mr. Wolfe shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but not limited to third-party payors), or is receiving training, and the chief of staff at each hospital or health-care center where he has privileges or appointments.

For massage therapists, the term “health-care services” includes massage-therapy services, and the term “health-care center” includes but is not limited to entities that may be referred to as a wellness center, exercise center, health club, spa, salon, or gymnasium.

In the event that Mr. Wolfe provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the granting of a future certificate to Mr. Wolfe, Mr. Wolfe shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

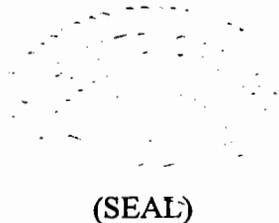
Further, Mr. Wolfe shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

2. **Required Reporting To Other Licensing Authorities Within 30 Days of the Effective Date of This Order:** Within thirty days of the effective date of this Order, Mr. Wolfe shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

Mr. Wolfe further shall provide a copy of this Order at the time of application to the proper licensing authority of any State or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license.

Further, Mr. Wolfe shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.




Lance A. Talmage, M.D.
Secretary

September 10, 2008
Date

2008 JUN -6 P 2:41

**REPORT AND RECOMMENDATION
IN THE MATTER OF ROBERT L. WOLFE, M.T.
Case No. 08-CRF-031**

The Matter of Robert L. Wolfe, M.T., was heard by Patricia A. Davidson, Hearing Examiner for the State Medical Board of Ohio, on May 22, 2008.

INTRODUCTION

Basis for Hearing

By letter dated March 12, 2008, the State Medical Board of Ohio notified Robert L. Wolfe, M.T., that the Board had found, based on a legal presumption under Ohio Revised Code Section [R.C.] 4731.22(B)(26), that he was impaired in his "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." The Board stated that the presumption of impairment was based on Mr. Wolfe's failure to submit to a Board-ordered examination and his failure to notify the Board of circumstances beyond his control that prevented him from submitting to the examination. (State's Exhibit 1A)

In its letter, the Board stated that it intended to determine whether Mr. Wolfe's failure to submit to the examination was caused by (a) circumstances beyond his control, which would rebut the presumption of impairment and which would merit the rescheduling of his examination, or (b) circumstances within his control, which would "render the legal presumption of impairment conclusive and result in the Board further determining whether to limit, revoke, permanently revoke, suspend, refuse to register or reinstate [his] certificate to practice massage therapy, or to reprimand [him] or place [him] on probation based upon [his] legally admitted impairment."

The Board advised Mr. Wolfe of his right to request "a hearing concerning whether [his] failure to submit to the examination as directed was due to circumstances beyond [his] control." The Board received his written request for hearing on April 11, 2008. (St. Ex. 1A)

Appearances

Nancy Hardin Rogers, Attorney General, and Karen A. Unver, Assistant Attorney General, for the State.

Robert L. Wolfe, M.T., the Respondent, represented himself.

EVIDENCE EXAMINED

Witnesses

Robert L. Wolfe, M.T.
Angela McNair
Angelo Kissos

Exhibits

A. State's Exhibit 1: Procedural exhibits.

State's Exhibit 2: Licensure documents maintained by the Board including Mr. Wolfe's 2003 license application, 2005 renewal application, and 2007 renewal application.

State's Exhibit 3: Two letters from the Board to Mr. Wolfe in January 2008, ordering him to an impairment examination.

State's Exhibit 4: Letter to the Board from Glenbeigh Hospital in February 2008.

State's Exhibit 5: Affidavit of Angela McNair, a Board Enforcement Attorney, with two of the attachments referenced in the affidavit (receipts for certified mail) but not including the other referenced attachments, which were admitted as State's Exhibits 3 and 4.

State's Exhibit 6: Affidavit of Debra L. Jones, the Board's Continuing Medical Education and Renewal Officer.

State's Exhibit 7: Journal entry filed in August 1997 in *State v. Wolfe*, Case No. CR 97-07-1443 (Summit Co. Common Pleas).

State's Exhibit 8: Journal entry filed in December 2002 in *State v. Wolfe*, Case No. CR 02-07-1799 (Summit Co. Common Pleas).

State's Exhibit 9: Entry filed in August 2007 in *State v. Wolfe*, Case No. 07 OTRC 5343 (Barberton, Ohio, Municipal Court), and test form regarding blood alcohol concentration.

B. The Respondent did not present any documentary evidence.

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony were reviewed and considered by the Hearing Examiner, although all the evidence may not be referenced below.

Criminal Convictions

1. On August 21, 1997, Robert L. Wolfe appeared before the Summit County Court of Common Pleas in Akron, Ohio, where he pleaded guilty to one count of illegal cultivation of marijuana in violation of R.C. 2925.04 and one count of possession of criminal tools in violation of R.C. 2923.24, both felonies of the fifth degree. The court found him guilty of those crimes and imposed a sentence including 20 days of community service, 18 months of community control with payment of fees to the probation department, random urinalysis as directed by the probation department, and payment of costs. (St. Ex. 7) Mr. Wolfe was 26 years old at that time. (St. Ex. 2 at 7)

2. More than five years later, on December 9, 2002, Mr. Wolfe appeared in the Summit County Common Pleas Court again. This time, he entered a plea of guilty to one count of criminal trespass in violation of R.C. 2911.21, a misdemeanor of the fourth degree. The court found him guilty of that offense and imposed a sentence including 30 days incarceration (suspended), a fine of \$250 (suspended), and one year of probation with terms including abstention from use of illegal drugs, random urinalysis as directed, payment of costs, payment of fees to the probation department, and a requirement “that he seek and maintain full-time employment and not through any temporary agencies.” A drug-related charge was dismissed. (St. Ex. 8)
3. At hearing, Mr. Wolfe explained the events underlying this conviction. He testified that he and a friend had been driving around in the country looking for an apartment and had turned into a private drive. He said they were not there to cause any harm. He further testified that, when they were stopped for trespassing, the police found marijuana in the vehicle and charged both of them with marijuana trafficking. Mr. Wolfe explained that the drug charge against him had been dismissed because the other person in the car had admitted that the marijuana belonged to him. (Tr. at 41, 84)

Massage-Therapy Licensure in 2004

4. In February 2003, Mr. Wolfe submitted an application to the Board for a certificate to practice massage therapy in Ohio. As part of his application, Mr. Wolfe signed an affidavit certifying under oath that “all statements” he had made or would make with respect to the application were true, and that he understood that issuance of a certificate to practice massage therapy would be “considered on the truth of the statements and documents contained herein or to be furnished, which if false, can subject [him] to denial of said certificate.” (St. Ex. 2 at 6-7, 15-16, 25; Tr. at 15-18)
5. On his application, Mr. Wolfe answered “No” to the following question:
 11. Have 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?

(St. Ex. 2 at 11)

6. In September 2003, Mr. Wolfe submitted a reexamination application because he had not passed the examination. After he passed the examination in December 2003, the Board issued him a certificate to practice massage therapy on January 16, 2004 (certificate number 33.013229). (St. Ex. 2 at 2, 17, 20, 31; Tr. at 19-20, 83)

Renewals of Certificate in 2005 and 2007

7. On August 29, 2005, the Board granted a renewal of Mr. Wolfe’s certificate based on his renewal application. In that application, which he filed on-line, Mr. Wolfe had answered “No” when asked the following question: “Have you ever been found guilty of, or pled guilty or no contest to, * * * a misdemeanor or felony?” (St. Ex. 2 at 31-33)

Nonetheless, in submitting this renewal application, Mr. Wolfe affirmed that the information he had provided was complete and correct, and that he understood that submitting a false statement or omitting a material fact could be grounds for disciplinary action against his license. (St. Ex. 2 at 33)

8. On May 15, 2007, the Board again granted a renewal of Mr. Wolfe's certificate, based on his renewal application. In his on-line renewal application, Mr. Wolfe again answered "No" when asked whether he had been found guilty of, or pled guilty to, a misdemeanor or felony, and he again certified the truth and completeness of his answers. (St. Ex. 2 at 34-36)

July 2007 Arrest and August 2007 Conviction

9. On July 29, 2007, Mr. Wolfe was arrested for "OVI," or operating a vehicle while impaired, in violation of R.C. 4511.19. A test of Mr. Wolfe's breath showed that his blood alcohol concentration [BAC] was 0.144 g/210L.¹ (St. Ex. 9) At hearing, Mr. Wolfe explained as follows:

Pretty much that weekend was -- was a really bad weekend for me, I was supposed to be married that weekend. My fiancée left me a month before for somebody else and within that month got married, so I was a little bit stressed, a little bit depressed, so I, you know, went out and got drunk, pretty much, trying to drink away my misery, drove home, got a DUI. So that's what happened with that.

(Tr. at 85)

10. On August 3, 2007, in Barberton Municipal Court in Barberton, Ohio, Mr. Wolfe did not plead guilty to OVI, but pleaded guilty to operating a vehicle "with a prohibited blood alcohol concentration" in violation of R.C. 4511.19. The court imposed a fine of \$300, court costs, and incarceration for 180 days, with 177 days suspended on conditions including three days in Orianna House. The court's sentence also included a 180-day suspension of driving privileges, with limited privileges for work, alcohol/drug treatment, and transporting his children for visitation. The court further stated that Mr. Wolfe must obey all laws for two years. (St. Ex. 9)
11. Mr. Wolfe testified that he did not serve three days at Orianna House but instead attended a three-day intervention program at a hotel, which included lectures, films, and seminars regarding the effects of alcohol and drugs. He stated that he attended the program within 30 days of his conviction, and that the program had also included an individual evaluation of him. Mr. Wolfe testified that, when the attendees were released on Sunday, they had to wait to find out whether there would be additional court-ordered requirements based on their evaluations.² (Tr. at 45-47)

¹ The abbreviation "g/210L" refers to grams of alcohol per 210 liters of blood.

² The record does not include evidence regarding Mr. Wolfe's evaluation or regarding any further entries by the court.

Mr. Wolfe's Employment

12. Mr. Wolfe testified that he ceased practicing massage therapy in March 2006 because he did not have enough clients. (Tr. at 12, 22-24) He stated that, for the past five years, he has worked as a dance instructor. He stated that he works only 20 hours per week and that, when he is not working at the studio, he remains there, not working but doing "stuff at the studio, making phone calls for free."³ (Tr. at 11, 89-90)

13. When asked at the hearing regarding his employment, Mr. Wolfe testified:

Q. Do you plan to begin practicing again in massage therapy at some point?

A. I would like to, yes.

Q. Are you actively looking for a position in massage therapy?

A. No.

Q. Do you have any other employment besides working as a dance instructor at this time?

A. No.

Q. Do you plan on getting any other employment besides dance instructor at this time?

A. *I'm not looking for anything right now.*

Q. Are you currently going to school or engaging in any other activities that take up the rest of your time during the work week?

A. No.

(Tr. at 12-13) (Emphasis added)

Mr. Wolfe's Interview with a Board Investigator - September 2007

14. Angelo Kissos, a Board Investigator, testified at the hearing that he had spoken with Mr. Wolfe by telephone. Mr. Kissos testified that he had asked Mr. Wolfe, among other things, why he had failed to disclose his criminal convictions on his license application. Mr. Kissos stated that Mr. Wolfe had responded that he "wasn't aware that that information needed to be on the report, and that he must have overlooked it * * * ." (Tr. at 71)

15. Mr. Kissos further testified that Mr. Wolfe, when asked about his conviction for cultivating marijuana, had acknowledged that he had engaged in that conduct for five years. In addition, Mr. Kissos testified that Mr. Wolfe had stated that he had stopped using marijuana years before but continued to use alcohol as a "social drinker." (Tr. at 48, 72)

³ The Hearing Examiner recognizes that five years have not passed since Mr. Wolfe ceased practicing massage therapy in March 2006, according to his testimony. However, his job at the dance studio is part-time, and Mr. Wolfe did not testify that he had worked full-time as a massage therapist.

16. Mr. Wolfe confirmed that he had spoken with Mr. Kissos in September 2007, and he also confirmed many of the facts that Mr. Kissos later reported. For example, Mr. Wolfe agreed that he had informed the investigator that he usually drinks a “couple times a week” and, at those times, has a “couple drinks.” Mr. Wolfe confirmed that he had described himself as a social drinker, and he acknowledged that he had said during the interview that he had never sought treatment for substance abuse. (Tr. at 43-49, 91-92)

The Board-Ordered Examination

17. In a letter dated January 16, 2008, the Board ordered Mr. Wolfe to participate in a 72-hour examination, as follows:

The State Medical Board of Ohio [Board] has determined that it has reason to believe that you are 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.”

This determination is based upon one or more of the following reasons:

(1) On or about August 21, 1997, in the Summit County Court of Common Pleas, Akron, Ohio, you pled guilty to one count of Illegal Cultivation of Marijuana, in violation of Section 2925.04, Ohio Revised Code, and one count of Possession of Criminal Tools, in violation of Section 2923.24, Ohio Revised Code, both felonies of the fifth degree. Additionally, on or about December 9, 2002, you entered a plea of guilty to Criminal Trespass, in violation of Section 2911.21, Ohio Revised Code, a misdemeanor of the fourth degree. At the time of your plea, the Summit County Court of Common Pleas dismissed your other charge of Trafficking in Marijuana, in violation of Section 2925.03, Ohio Revised Code.

Moreover, on or about August 3, 2007, in Barberton Municipal Court, Barberton, Ohio, you entered a plea of guilty to Operating a Vehicle with a Prohibited Blood Alcohol Concentration [BAC], in violation of Section 4511.19, Ohio Revised Code. At the time of your arrest of July 29, 2007, your BAC tested at 0.144.

(2) On or about September 19, 2007, a Board Investigator made contact with you concerning the aforementioned convictions, in addition to your failure to disclose the same on your initial application for licensure and renewal applications.

During your conversation with the Board Investigator, you acknowledged the felony convictions of 1997 and 2002, however indicated that you must have “mistakenly misunderstood” the questions on your initial application for licensure, as well as the same and/or similar questions on the subsequent renewal applications that asked whether or not you had ever been convicted or found guilty of a violation of the law.

When the Board Investigator inquired about your alcohol related arrest of July 2007, you asserted that prosecution was pending for that case. In fact, your

conversation with the Board Investigator took place more than a month after your conviction for that charge.

(3) On or about September 19, 2007, you explained to a Board Investigator that you cultivated and abused marijuana for approximately five-plus years, until quitting in 2000. You described yourself as a “social drinker”, consuming alcoholic beverages 2 to 3 times per week, and you asserted that you have never sought treatment for your chemical abuse.

By the authority vested in the State Medical Board of Ohio by Section 4731.22(B)(26), Ohio Revised Code, you are ordered to submit to an examination. This examination will take place at **Glenbeigh Hospital** [address and telephone omitted]. You are to report to the **Glenbeigh Admissions Office**, on **Monday, February 4, 2008, at 9:00 a.m.** for a 72-hour in-patient evaluation. * * * Pursuant to Section 4731.22(B)(26), Ohio Revised Code, you are responsible for the expense of this evaluation. **The total estimated cost of this evaluation is \$1800.00.** * * * Failure to present a certified check or money order in the amount specified to the examiner will result in the examination being cancelled, and will be deemed by the Board to be a failure to submit to the examination as directed due to circumstances within your control.

Please be advised that failure to submit to this examination as directed constitutes an admission of the allegations against you unless the failure is due to circumstances beyond your control, and that a default and final order may thereupon be entered without the taking of testimony or presentation of evidence.

Copies of the applicable statute sections are enclosed for your information.

(St. Ex.3) (Emphasis in original)

18. On January 16, 2008, the Board mailed the above-quoted letter to Mr. Wolfe at his address of record, by certified mail. On January 23, 2007, the Board sent a second letter to Mr. Wolfe, notifying him that the start time for his examination was changed from 9:00 a.m. to 10:00 a.m. on February 4, 2008. The address of record was “c/o Edith Omaye, 1659 Munroe Falls Ave., #33, Cuyahoga Falls, OH 44221.” The Board received receipts from the U.S. Postal Service showing that the two letters had been delivered to Mr. Wolfe’s address of record on January 21 and January 26, 2008, respectively. (St. Ex. 3; Tr. at 53-54)
19. At hearing, Mr. Wolfe acknowledged that the Board’s letters had been mailed to, and received at, his address of record. He explained that he did not live at the Cuyahoga Falls address but that he had given that address to the Board as his address of record because he had been “constantly moving in and out of houses and apartments” and had “needed a stable address,” and that his friend Edie Omaye had agreed to accept mail for him at her residence. (St. Ex. 3; Tr. at 24-33, 36-37)

20. Mr. Wolfe testified that Edie Omaye had telephoned him a “few times” in January 2008 and had left him messages that mail had been delivered for him. He explained, however, that he is “not very good at calling people back.” He stated that he was living about 40 minutes from Cuyahoga Falls at that point and that he had simply delayed in retrieving his mail. (Tr. at 32-33, 36-37)
21. Mr. Wolfe testified that, when he went to pick up his mail, it was Monday, February 3, at 10:00 p.m. He stated that he read the letter informing him that he was scheduled to report to Glenbeigh on the morning of February 4, and his reaction was as follows: “I was like, well, I guess that’s not happening, since it’s 10:00 at night.” (Tr. at 32-33)

Other evidence indicates that Mr. Wolfe picked up and read the letters from the Board on the evening of Tuesday, February 4. Angela McNair, an Enforcement Attorney for the Board, testified that, when Mr. Wolfe telephoned the Board on February 6, 2008, she spoke with him, and he reported that he had not shown up at Glenbeigh because he had not opened the Board’s letter “until the actual day of the evaluation.” In addition, Mr. Wolfe answered “yes” when asked whether he had received the letter on the night of February 4, after the appointment time had passed by. (Tr. at 33, 34, 55-56)

22. Mr. Wolfe confirmed that he had not attended the scheduled appointment at Glenbeigh, and Glenbeigh confirmed that fact. Further, Mr. Wolfe confirmed that he had not contacted the Board until after his evaluation was scheduled to begin. (Tr. at 31, 34-35, 54-55; St. Exs. 4-5)

Mr. Wolfe’s Testimony Regarding His Reasons for Failing to Attend the Examination

23. At the hearing, Mr. Wolfe accepted full responsibility for not having received his mail from the Board promptly, due to his own delay in picking up the mail. He testified: “I didn’t get the information on time because I didn’t get [my mail] on time. It was mailed to me in time, I just didn’t get it in time.” He testified further as follows:

I really don’t know what else to say. I know that I missed the appointment at Glenbeigh because it was my fault because I didn’t go to get my mail on time and I opened it up late, and so this is why I’m sitting here, because I didn’t go there.

(Tr. at 86)

24. Mr. Wolfe agreed that he did not ask to reschedule the examination he had missed. However, he explained that he did not ask for a rescheduling because no one had suggested that he could do so. Moreover, he stated that, in any event, even if the examination would have been rescheduled, he could not have attended because he did not have \$1,800. He stated that he was definitely willing to spend the time, the 72 hours of evaluation, but that the problem for him was the cost. (Tr. at 34, 39, 60-61, 101)

25. With regard to his ability to pay for the examination, Mr. Wolfe testified:

I'm like—I live very poorly, like financially. \$1,800 is a lot of money. I have two kids that I pay child support to, I pay between three and four hundred dollars a month out of the 800 that I make at the dance studio. That doesn't leave me a lot of extra money for anything else.

(Tr. at 86-87)

When asked how long it would take him to save \$1,800, Mr. Wolfe answered: "I'm like—I have a new house, I'm getting married, my children—I'm like, you know, I barely got a ride down here." (Tr. at 89) He further testified that he does not have family he can borrow from. (Tr. at 88)

26. Mr. Wolfe testified that he regularly looks for other work, but that it is difficult for him to get another job due to the hours that he works at the dance school and the extra time he spends there:

I work from like -- I'm scheduled from 3:00 to 10:00, not every hour, just when I have classes. So when I'm not teaching, I'm in the office, you know, helping with the office stuff, so finding a job that can work around that schedule, also, is -- has been a little bit hard for me.

(Tr. at 89-91) Mr. Wolfe also stated that, when he has looked for other work, he is "always denied" employment because he has "drug convictions" in his background. He stated that his criminal history is "one of the big reasons" that he does not have a full-time job. (Tr. at 89)

27. Mr. Wolfe asserted that he looks for a job "every week" and that he fills out at least two applications per week, and that he has been doing this for at least a year. (Tr. at 89-90)⁴

Mr. Wolfe's Testimony Regarding His False Answers on the Applications

28. At hearing, Mr. Wolfe admitted that he had failed to disclose his convictions of 1997 and 2002 on his massage-therapy application. (Tr. at 41) However, he did not state that he had misunderstood or overlooked the question on the application. To the contrary, he readily admitted that he had wanted to hide embarrassing facts about his past:

I was in denial. I was trying to deny what happened in the past, was embarrassed, didn't want nobody to find out or know about it.

* * *

⁴ This testimony conflicts with his prior testimony, when he testified that he is "not looking for" any other employment. (Tr. at 12) Based on an observation of Mr. Wolfe's demeanor, tone, and the context in which the differing statements were made at hearing, together with evidence of untruthful answers on the applications, the Hearing Examiner found the assertion of regular job searches to lack credibility.

* * * I know that I didn't fill out all my forms correctly, I omitted information. I just was trying to keep that part of my past in the past and not trying to be judged for it. So I don't tell anybody about that, ever. That was a mistake that I made in the past and I -- I was embarrassed of it. I didn't want people to know. I still tell myself that it's not true, you know, I'm just like -- I don't want to believe that I got in trouble for that. It's embarrassing, you know, because people look at you like, oh, you're growing weed, so you must be a junkie. You know, I'm like, I was like 23 or 24 at the time, living with people, it was just what we did.

(Tr. at 19, 86)

Testimony Regarding Statements to the Board's Investigator Regarding the 2007 Arrest

29. With regard to whether he had falsely told Mr. Kissos in September 2007 that the prosecution of his July 2007 arrest was still pending, Mr. Wolfe stated:

A. * * * I had already been convicted by that time and I had already done my assessment—the 72-hour thing at the hotel, and I was just waiting to hear back from the judge on what the decision was with that case.

Q. What do you mean by “the decision”?

A. If—I guess the people that put on the hotel thing, they have to do an assessment of you—what you got convicted for, whether it would be the DUI or drugs or whatever, and then they report back to the judge whether or not you need to go to get more treatment.

* * *

Q. So when you spoke with the Board investigator, you didn't have any pending case in September; is that correct?

A. I was just waiting for it to be finalized, so it was still pending, I guess.

Q. But you had pled guilty already, correct?

A. Yes. Well, I guess it wasn't pending, it was—I was just waiting for it to be finalized. So maybe pending was the wrong word, I guess.

(Tr. at 44-48)

30. Mr. Wolfe emphasized that he had cooperated with the Board's investigator. He stated that he had called back when the investigator left a message. He noted that the investigator had told

him that he did not have to talk with an investigator but that it would be helpful, and Mr. Wolfe asserted that he had answered the investigator's questions to the best of his ability. (Tr. at 85)

Mr. Wolfe's Testimony Regarding Use of Alcohol and Drugs

31. Mr. Wolfe testified that he does not use illegal drugs of any kind and does not even use over-the-counter medications such as aspirin. He stated that he quit using marijuana in 2000, and that it was the only drug he had ever used besides alcohol. He asserted:

I don't have an addiction to drugs. I don't use drugs, except for alcohol, and I drink socially, occasionally. I could go three months without drinking. I could drink three times in that week. It all depends on my social setting.

(Tr. at 93) Mr. Wolfe asserted that he does not experience a feeling of "needing" a drink or of feeling compelled to get a drink "right now." He explained that he merely goes out with friends for relaxing with good conversation. He testified that it is "not drinking to the point of getting drunk every night" and is not a chemical dependency.⁵ (Tr. at 28, 48-49, 94) He further testified:

* * * I drink alcohol. I'm like, so does 100,000 college students. Does that mean everybody's an alcoholic? Like I said earlier, I go out with people, just social drinking. I don't sit under a bridge and drink by myself, I don't sit and get drunk every night. I don't think about when I'm going to get my next beer or my next martini or next margarita.

(Tr. at 93) Mr. Wolfe emphasized that he had already participated in a "drug and alcohol prevention program ordered by the court," and that he had done what was required and had completed the program without any problems. (Tr. at 87, 93-94)

32. Mr. Wolfe further insisted that his alcohol-related conviction has no relationship whatsoever to his practice of massage therapy. He stated that he is putting no one in danger during a massage and that none of his convictions have anything to do with his being a massage therapist. (Tr. at 96, 102)

⁵ The notice of opportunity for hearing made clear that the sole issue for hearing was whether Mr. Wolfe failed to attend the examination due to circumstances beyond his control. However, Mr. Wolfe testified and presented arguments regarding his use of alcohol, his abstention from drugs, and whether he is chemically dependent. Although his presentation did not focus on the precise issue before the Board, there was no objection to his testimony, and the Hearing Examiner allowed Mr. Wolfe, a *pro se* litigant, to have an opportunity to express his views.

FINDINGS OF FACT

1. On January 16, 2004, the Board granted to Robert L. Wolfe, M.T., a certificate to practice massage therapy in Ohio (certificate number 33.013229). Mr. Wolfe renewed his certificate on August 29, 2005, and May 15, 2007.
2. By certified letter dated January 16, 2008, the Board notified Mr. Wolfe of its determination that it had reason to believe that he was in violation of Ohio Revised Code Section [R.C.] 4731.22(B)(26), and the Board ordered him to undergo a 72-hour inpatient examination to determine whether he had an impairment as defined in R.C. 4731.22(B)(26). The Board stated that its determination was based on one or more reasons as set forth in the letter, which included the following:
 - Mr. Wolfe's conviction in August 1997 for illegal cultivation of marijuana in violation of R.C. 2925.04 and possession of criminal tools in violation of R.C. 2923.24, both felonies of the fifth degree; his conviction in December 2002 for criminal trespass in violation of R.C. 2911.21, a fourth-degree misdemeanor; and his conviction in August 2007 for operating a vehicle with a prohibited blood alcohol concentration [BAC] in violation of R.C. 4511.19, following a July 2007 arrest during which a test showed a BAC of 0.144.
 - Mr. Wolfe's statement to a Board Investigator in September 2007, with regard to Mr. Wolfe's failure to disclose criminal convictions on his 2003 application for licensure and his renewal applications in 2005 and 2007, that he had been convicted of the crimes but must have "mistakenly misunderstood" the questions regarding criminal convictions on the applications.
 - His statement to the Investigator in September 2007, with respect to the alcohol-related arrest in July 2007, that the prosecution of that case was still pending, despite the fact that Mr. Wolfe had been convicted in August 2007, more than a month before his conversation with the Investigator; and, additionally, Mr. Wolfe's admissions regarding his former cultivation of marijuana, his former use of marijuana, and his current consumption of alcohol.
3. In its letter of January 16, 2008, the Board ordered Mr. Wolfe to submit to a 72-hour inpatient examination pursuant to R.C. 4731.22(B)(26). The Board stated that the examination was scheduled to take place at Glenbeigh Hospital, a Board-approved treatment provider, beginning Monday, February 4, 2008, at 9:00 a.m., and that Mr. Wolfe was responsible for paying the cost of the examination, which was \$1,800.

The Board notified Mr. Wolfe in its letter that failure to submit to an examination ordered by the Board constitutes an admission of the allegations in the examination order unless the failure is due to circumstances beyond the individual's control. Finally, the Board notified Mr. Wolfe that, if he failed to submit to the examination and if such failure was not due to circumstances beyond his control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

4. The return receipt for the letter dated January 16, 2008, shows that it was delivered and signed for on January 19, 2008. A second letter was mailed to Mr. Wolfe on January 23, 2008, informing him that his 9:00 a.m. appointment time on February 4, 2008, had been changed to 10:00 a.m. on that day. The signed receipt shows that this second letter was delivered on January 28, 2008.
5. Mr. Wolfe admits that the Board's letters were timely delivered to his address of record.
6. Mr. Wolfe did not appear for the Board-ordered examination at Glenbeigh Hospital as ordered.
7. Mr. Wolfe testified that the reason he failed to appear for the examination as scheduled on the morning of February 4, 2008, was that he had failed to pick up and read the Board's letters in sufficient time for him to attend the examination. He conceded that it was his own fault that he did not know about the examination until it was too late to attend.
8. Mr. Wolfe stated, however, that, even if the examination were rescheduled for him, he could not go, because he cannot pay for the examination.
9. Mr. Wolfe testified that he works 20 hours per week and has done so for several years. Based on all the evidence regarding education and employment, the Hearing Examiner finds that Mr. Wolfe has voluntarily limited his hours of work and that he has not tried to secure full-time employment with any sustained diligence. To the extent that his income is limited by his criminal history, that limitation is the result of his own conduct; moreover, Mr. Wolfe did not establish with any reliable evidence that his criminal convictions have in fact precluded him from working on a full-time basis.
10. Based on Findings of Fact 3 through 9, the Hearing Examiner further finds that Mr. Wolfe's failure to submit to the Board-ordered examination was due to circumstances within his control.

CONCLUSIONS OF LAW

1. R.C. 4731.22(B) provides, in pertinent part:

The board * * * shall * * * limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

* * *

(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.

* * * By filing an application for or holding a certificate to practice under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for certification to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's certificate or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed certification to practice, to submit to treatment.

2. Rule 4731-16-01(A) of the Ohio Administrative Code defines the term "impairment" as used in Revised Code Chapter 4731:

(A) "Impairment" means 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. Impairment includes inability to practice in accordance with such standards, and inability to practice in accordance with such standards without appropriate treatment, monitoring or supervision.

Further, Rule 4731-16-02 provides in part:

(A) Should the board have reason to believe that any licensee or applicant suffers from impairment, as that term is used in * * * division (B)(26) of section 4731.22 of the Revised Code, * * * it may compel the individual to submit to a mental or physical examination, or both. Such examinations shall be undertaken by an approved treatment provider designated by the board. The notice issued ordering the individual to submit to examination shall delineate acts, conduct or behavior committed or displayed which establish reason to believe that the individual is impaired. Failure to submit to examination ordered by the board constitutes an admission of impairment unless the failure is due to circumstances beyond the individual's control.

(B) * * * [T]he following general pattern of action shall be followed:

(1) Upon identification by the board of reason to believe that a licensee or applicant is impaired it may compel an examination or examinations as set forth in paragraph (A) of this rule. The examination must include monitoring in an inpatient setting for at least seventy-two hours, and must meet all other requirements of rule 4731-16-05 of the Administrative Code.

(2) If the examination or examinations fail to disclose impairment, no action shall be initiated pursuant to * * * division (B)(26) of section 4731.22 of the Revised Code * * * unless other investigation produces reliable, substantial, and probative evidence demonstrating impairment.

(3) If the examination or examinations disclose impairment, or if the board has other reliable, substantial and probative evidence demonstrating impairment, the board shall initiate proceedings to suspend the license or deny the applicant. * * *

The presence of one or more of the following circumstances shall constitute independent proof of impairment and shall support license suspension or denial without the need for an examination:

- (a) The individual has relapsed during or following treatment;
- (b) The individual has applied for or requested treatment in lieu of conviction of a criminal charge or intervention in lieu of conviction of a criminal charge, or has applied for or requested entry into a similar diversion or drug intervention program;
- (c) The individual has pled guilty to or has had a judicial finding of guilt of a criminal offense that involved the individual's personal use or abuse of any controlled substance.

3. The Board lawfully ordered Robert L. Wolfe, M.T., to a 72-hour inpatient examination to assess impairment as defined in R.C. 4731.22(B)(26). The Board duly notified him of the examination order and the scheduled date, time and place of the examination.
4. Pursuant to R.C. 4731.22(B)(26), Mr. Wolfe's failure to submit to the Board-ordered examination, for reasons within his control, constitutes an admission by Mr. Wolfe of the truth of the allegations in the Board's letters dated January 16, 2008, and January 23, 2008.
5. Pursuant to R.C. 4731.22(B)(26) and the applicable administrative rules, the foregoing Findings of Fact and Conclusions of Law establish the "impairment of" Mr. Wolfe's "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."

PROPOSED ORDER

It is hereby ORDERED that:

- A. The certificate of Robert L. Wolf, M.T., to practice massage therapy in the State of Ohio, certificate number 33.013229, is hereby **REVOKED**.
- B. **CONDITIONS PLACED ON ANY FUTURE APPLICATION:** Mr. Wolfe shall not apply in the future for a certificate to practice massage therapy in the State of Ohio, or for any other certificate issued by the Board, until all of the following conditions are met.⁶
 1. **Application**: Mr. Wolfe shall submit an application, accompanied by appropriate fees.
 2. **Demonstration of Ability to Practice**: Mr. Wolfe shall demonstrate to the satisfaction of the Board that he can 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:
 - a. Certification from a treatment provider approved by the Board that Mr. Wolfe has successfully completed any treatment required by the Board, including treatment required by statutes and/or administrative rules in effect at the time of the application.
 - b. Evidence that Mr. Wolfe, immediately upon completion of any required treatment for chemical dependency, entered into an aftercare contract with a treatment provider approved by the Board; and, in addition, evidence of continuing full compliance with, or successful completion of, the post-discharge aftercare contract with a Board-approved treatment provider, except that, where the terms of the aftercare contract conflict with the terms of this Order, the terms of this Order shall control. 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, or other administrative rule in effect at the time of the application.
 - c. Evidence of continuing full compliance with this Order.
 - d. Two written reports indicating that Mr. Wolfe's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care.

The reports shall be made by physicians 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. Wolfe. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Mr. Wolfe shall provide the evaluators with copies of patient records from any

⁶ Note: Even if Mr. Wolfe chooses not to apply for a certificate in the future, this Order sets forth notification requirements that may, if applicable, require him to notify certain persons/entities of this Order within 30 days. (See section D, below.)

evaluations and/or treatment that he has received, and a copy of this Order. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Mr. Wolfe, and any conditions, restrictions, or limitations that should be imposed on Mr. Wolfe's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based on examinations occurring within the three months immediately preceding any application for licensure. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

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

C. PROBATIONARY CONDITIONS TO BE PLACED ON ANY FUTURE

CERTIFICATE GRANTED BY THE BOARD: In the event that the Board should grant a future application by Mr. Wolfe for a certificate to practice massage therapy in the State of Ohio, or for any other certificate issued by the Board, that certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

1. **Obey the Law:** Mr. Wolfe shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy or other licensed practice in Ohio. In addition, he shall obey all terms imposed by the Barberton Municipal Court in its order dated August 3, 2007, and any additional terms imposed by the court in that case.
2. **Quarterly Appearances:** Mr. Wolfe shall appear in person for an interview before the full Board or its designated representative during the third month following the month during which the Board issues the future certificate, or as otherwise requested by the Board. 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.
3. **Quarterly Declarations:** Mr. Wolfe 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 Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the issuance of the future certificate, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

4. **Sobriety**

- a. **Abstention from Drugs**: Mr. Wolfe shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Mr. Wolfe's history of chemical dependency. Further, in the event that Mr. Wolfe is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Mr. Wolfe shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Mr. Wolfe received; the medical purpose for which he received the drug; the date the drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date the drug is so prescribed, dispensed, or administered to him, Mr. Wolfe shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.
- b. **Abstention from Alcohol**: Mr. Wolfe shall abstain completely from the use of alcohol.

5. **Drug & Alcohol Screens; Drug-testing Facility and Collection Site**

- a. Mr. Wolfe shall submit to random urine screenings for alcohol and drugs at least four times per month, or as otherwise directed by the Board. Mr. Wolfe shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug-testing panel used must be acceptable to the Secretary of the Board, and shall include Mr. Wolfe's drug(s) of choice.
- b. Mr. Wolfe shall submit, at his expense and on the day selected, urine specimens for alcohol and/or drug analysis. (The term "toxicology screen" is also used herein for "urine screen" and/or "drug screen.")

All specimens submitted by Mr. Wolfe shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Order.

Refusal to submit a specimen, or failure to submit a specimen on the day he is selected or in the manner as the Board may request, shall constitute a violation of this Order.

- c. Mr. Wolfe shall abstain from the use of any substance that may produce a positive result in a toxicology screen, including the consumption of poppy seeds or other food or liquid that may produce a positive result on a toxicology screen.

Mr. Wolfe shall be held to an understanding and knowledge that the consumption or use of various substances, including but not limited to mouthwashes, hand-cleaning gels, and cough syrups, may cause a positive toxicology screen, and that unintentional ingestion of a substance is not distinguishable from intentional ingestion on a toxicology screen, and that, therefore, consumption or use of substances that may produce a positive result in a toxicology screen is prohibited under this Order.

- d. All screenings for drugs and alcohol shall be conducted through a Board-approved drug-testing facility and a Board-approved collection site, except as provided in Paragraph 6 below (“Alternative Drug-testing and/or Collection Site”). Further, the screening process shall require a daily call-in procedure.
- e. Within thirty days of the effective date of this Order, Mr. Wolfe shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug-testing facility and/or collection site (“DFCS”) in order to facilitate the screening process in the manner required by this Order.

Further, within thirty days of making such arrangements, Mr. Wolfe shall provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Mr. Wolfe and the Board-approved DFCS. Mr. Wolfe’s failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Order.

- f. Mr. Wolfe shall ensure that the urine-screening process performed through the Board-approved DFCS requires a daily call-in procedure; 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, Mr. Wolfe and the Board-approved DFCS shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

- g. Mr. Wolfe shall ensure that the Board-approved DFCS provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.
- h. In the event that the Board-approved DFCS becomes unable or unwilling to serve as required by this Order, Mr. Wolfe must immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph 6 below, as soon as practicable. Mr. Wolfe shall further ensure that the Board-approved DFCS also notifies the Board directly of its inability to continue to serve and the reasons therefor.
- i. Mr. Wolfe acknowledges that the Board expressly reserves the right to withdraw its approval of any DFCS in the event that the Secretary and Supervising Member of the Board determine that the DFCS has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

- 6. **Alternative Drug-testing Facility and/or Collection Site:** It is the intent of this Order that Mr. Wolfe shall submit urine specimens to the Board-approved DFCS chosen by the Board. However, in the event that using the Board-approved DFCS creates an extraordinary

hardship on Mr. Wolfe, as determined in the sole discretion of the Board, then, subject to the following requirements, the Board may approve an alternative DFCS or a supervising physician to facilitate the urine-screening process for Mr. Wolfe.

- a. Within thirty days of the date on which Mr. Wolfe is notified of the Board's determination that utilizing the Board-approved DFCS constitutes an extraordinary hardship on Mr. Wolfe, he shall submit to the Board in writing for its prior approval the identity of either an alternative DFCS or the name of a proposed supervising physician to whom Mr. Wolfe shall submit the required urine specimens.

In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Mr. Wolfe's residence or employment location, or to a physician who practices in the same locale as Mr. Wolfe. Mr. Wolfe shall ensure that the urine-screening process performed through the alternative DFCS or through the supervising physician requires a daily call-in procedure; 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, Mr. Wolfe acknowledges that the alternative DFCS or the supervising physician shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

- b. Mr. Wolfe shall ensure that the alternative DFCS or the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.
- c. In the event that the designated alternative DFCS or the supervising physician becomes unable or unwilling to so serve, Mr. Wolfe must immediately notify the Board in writing. Mr. Wolfe shall further ensure that the previously designated alternative DFCS or the supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor. Further, in the event that the approved alternative DFCS or supervising physician becomes unable to serve, Mr. Wolfe shall, in order to ensure that there will be no interruption in his urine-screening process, immediately commence urine screening at the Board-approved DFCS chosen by the Board, until such time, if any, that the Board approves a different DFCS or supervising physician, if requested by Mr. Wolfe.
- d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Mr. Wolfe's designated alternative DFCS or any person proposed to serve as his supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

7. **Reports regarding Drug & Alcohol Screens**: All screening reports required under this Order from the Board-approved DFCS, the alternative DFCS and/or supervising physician

must be received in the Board's offices no later than the due date for Mr. Wolfe's quarterly declaration. It is Mr. Wolfe's responsibility to ensure that reports are timely submitted.

8. **Additional Screening without Prior Notice:** On the Board's request and without prior notice, Mr. Wolfe must provide a specimen of his blood, breath, saliva, urine, and/or hair for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Mr. Wolfe, or for any other purpose, at Mr. Wolfe's expense. Mr. Wolfe's refusal to submit a specimen on request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.
9. **Rehabilitation Program:** Within seven days of being granted a future certificate by the Board, Mr. Wolfe shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or C.A., no less than three times per week, or as otherwise ordered by the Board. Substitution of any other specific program must receive prior Board approval.

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

10. **Modification of Terms:** Mr. Wolfe shall not request modification of the terms, conditions, or limitations of probation for at least one year after the probation begins.
11. **Releases:** Mr. Wolfe shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Mr. Wolfe's chemical dependency, impairment, or related conditions, or for purposes of complying with the terms and conditions in sections B and C of this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. To the extent permitted by law, 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. Wolfe further shall 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 Order.
12. **Absences from Ohio:** Mr. Wolfe shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.

Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Order for occasional periods of absence of fourteen days or less. In the event that Mr. Wolfe resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and a contiguous state, Mr. Wolfe may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Mr. Wolfe is otherwise able to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

13. **Required Reporting of Change of Address:** Mr. Wolfe shall notify the Board in writing of any change of residence address and/or principal practice address within thirty days of the change.
14. **Tolling of Probationary Period while Out of Compliance:** In the event Mr. Wolfe is found by the Secretary of the Board to have failed to comply with any provision of this Order, 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 Order.
15. **Required Reporting to Treatment Providers/Monitors:** Mr. Wolfe shall promptly provide a copy of this Order to all persons and entities that provide chemical-dependency treatment to or monitoring of Mr. Wolfe.

Further, Mr. Wolfe shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

16. **Required Reporting in the Event of a Future Certificate or Future Training Related to a Certificate:** In the event that the Board grants a future certificate to Mr. Wolfe, or as otherwise determined by the Board, Mr. Wolfe shall promptly provide a copy of this Order to all employers or entities with which he contracts to provide health-care services (including but not limited to third-party payors) or entities to which Mr. Wolfe applies for or receives future training related to a certificate, and the chief of staff at each hospital or health-care center where he applies for or obtains privileges or appointments.

For massage therapists, the term “health-care services” includes massage therapy, and the term “health-care center” includes but is not limited to entities that may be referred to as a wellness center, exercise center, health club, spa, salon, or gymnasium.

Further, Mr. Wolfe shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an

acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

D. REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER

1. **Required Reporting to Employers and Others:** Within thirty days of the effective date of this Order, Mr. Wolfe shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but not limited to third-party payors), or is receiving training, and the chief of staff at each hospital or health-care center where he has privileges or appointments.

For massage therapists, the term “health-care services” includes massage-therapy services, and the term “health-care center” includes but is not limited to entities that may be referred to as a wellness center, exercise center, health club, spa, salon, or gymnasium.

In the event that Mr. Wolfe provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the granting of a future certificate to Mr. Wolfe, Mr. Wolfe shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

Further, Mr. Wolfe shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

2. **Required Reporting To Other Licensing Authorities Within 30 Days of the Effective Date of This Order:** Within thirty days of the effective date of this Order, Mr. Wolfe shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

Mr. Wolfe further shall provide a copy of this Order at the time of application to the proper licensing authority of any State or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license.

Further, Mr. Wolfe shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



Patricia A. Davidson
Hearing Examiner

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

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EXCERPT FROM THE DRAFT MINUTES OF SEPTEMBER 10, 2008

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDER

Dr. Varyani announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read and considered the hearing record; the Findings of Fact, Conclusions of Law and Proposed Orders; and any objections filed in the matters of Khaled Mohamed Abdelhady, M.D.; Tina Nichole Ammons, M.T.; Andrew John Castellanos, M.D.; Lee C D Hang-Fu, M.D.; Elias Tessema, M.D.; Robert L. Wolfe, M.T.; and the Proposed Findings and Proposed Orders in the matters of Dereck Peery, D.O. and Thomas Edward Taylor, P.A. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. They may, however, participate in the matters of Dr. Abdelhady and Dr. Tessema, as those cases are not disciplinary in nature and concern only the doctors' qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

The original Reports and Recommendations and the Proposed Findings and Proposed Order shall be maintained in the exhibits section of this Journal.

ROBERT L. WOLFE, M.T.

.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF ROBERT L. WOLFE, M.T. MR. BROWNING SECONDED THE MOTION.

.....

A vote was taken on Dr. Steinbergh's motion to approve and confirm:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

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March 12, 2008

Case number: 08-CRF- 031

Robert Lee Wolfe, L.M.T.
P.O. Box 8664
Canton, OH 44711

Dear Mr. Wolfe:

Due to your failure to submit to an examination on February 4, 2008 as ordered by the State Medical Board of Ohio [Board] and your failure to notify the Board of any circumstances beyond your control preventing you from submitting to said examination, pursuant to Section 4731.22(B)(26), Ohio Revised Code, a legal presumption has been established that you have admitted the factual and legal allegations demonstrating an impairment of your 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, as alleged against you in the Board's letter dated January 16, 2008 and sent to you by certified mail [January 16, 2008 certified letter], so ordering you to submit to such examination.

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the Board intends, for one or more of the following reasons, to determine whether your failure to submit to the aforementioned examination was due to circumstances beyond your control, which would rebut the legal presumption of impairment and merit rescheduling the examination as directed by the Board, or conversely, whether your failure to submit to the aforementioned examination was due to circumstances within your control, which would render the legal presumption of impairment conclusive and result in the Board further determining whether to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice massage therapy, or to reprimand you or place you on probation based upon your legally admitted impairment:

- (1) On or about January 16, 2004, the Board first issued to you a certificate to practice massage therapy in Ohio. You renewed said certificate on or about August 29, 2005, and May 15, 2007. By letter dated January 16, 2008, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(26), Ohio Revised Code, and ordered you to undergo a 72-hour inpatient examination to determine if you are in violation of Section 4731.22(B)(26), Ohio Revised Code. The Board's determination was based upon one or more of the reasons outlined in such letter, which included:
 - (a) On or about August 21, 1997, in the Summit County Court of Common Pleas, Akron, Ohio, you pled guilty to one count of Illegal Cultivation of Marijuana, in violation of Section 2925.04, Ohio Revised Code, and one count of Possession of

Mailed 3-13-08

Criminal Tools, in violation of Section 2923.24, Ohio Revised Code, both felonies of the fifth degree. Additionally, on or about December 9, 2002, you entered a plea of guilty to Criminal Trespass, in violation of Section 2911.21, Ohio Revised Code, a misdemeanor of the fourth degree. At the time of your plea, the Summit County Court of Common Pleas dismissed your other charge of Trafficking in Marijuana, in violation of Section 2925.03, Ohio Revised Code.

Moreover, on or about August 3, 2007, in Barberton Municipal Court, Barberton, Ohio, you entered a plea of guilty to Operating a Vehicle with a Prohibited Blood Alcohol Concentration [BAC], in violation of Section 4511.19, Ohio Revised Code. At the time of your arrest of July 29, 2007, your BAC tested at 0.144.

- (b) On or about September 19, 2007, a Board Investigator made contact with you concerning the aforementioned convictions, in addition to your failure to disclose the same on your initial application for licensure and renewal applications. During your conversation with the Board Investigator, you acknowledged the felony convictions of 1997 and 2002, however indicated that you must have “mistakenly misunderstood” the questions on your initial application for licensure, as well as the same and/or similar questions on the subsequent renewal applications that asked whether or not you had ever been convicted or found guilty of a violation of the law.

When the Board Investigator inquired about your alcohol related arrest of July 2007, you asserted that prosecution was pending for that case. In fact, your conversation with the Board Investigator took place more than a month after your conviction for that charge.

- (c) On or about September 19, 2007, you explained to a Board Investigator that you cultivated and abused marijuana for approximately five-plus years, until quitting in 2000. You described yourself as a “social drinker,” consuming alcoholic beverages 2 to 3 times per week, and you asserted that you have never sought treatment for your chemical abuse.
- (2) The January 16, 2008 certified letter from the Board further notified you that, pursuant to Section 4731.22(B)(26), Ohio Revised Code, you were ordered to submit to a 72-hour inpatient examination. The examination was scheduled to take place at Glenbeigh Hospital, a Board-approved treatment provider, on Monday, February 4, 2008, at 9:00 a.m.

The January 16, 2008 certified letter from the Board further notified you that failure of an individual to submit to an examination as directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual’s control. Finally, the letter notified you that if you failed to submit to the examination, and such failure was not due to circumstances beyond your control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

- (3) You were duly notified of the examination order and its scheduled date. The certified letter return receipt is signed and dated January 19, 2008. A second letter was mailed to you on January 23, 2008, indicating that your 9:00 a.m. appointment time at Glenbeigh Hospital on February 4, 2008, had been changed to 10:00 a.m. that same day.
- (4) By letter dated February 5, 2008, the Board was notified that you failed to appear for the examination that the Board scheduled for you. Two days after your scheduled appointment, you contacted the Board and asserted that you were unable to appear for the examination that the Board scheduled for you due to your personal financial concerns, yet at no time did you establish that your failure to appear was due to any circumstances beyond your control. Accordingly, pursuant to Section 4731.22(B)(26), Ohio Revised Code, and in consideration of the affidavits of Angela McNair, Enforcement Attorney, and Debra L. Jones, CME & Renewal Officer, copies of which are attached hereto and fully incorporated herein, the Board hereby FINDS that you have admitted the truth of the allegations demonstrating impairment as set forth in the January 16, 2008 certified letter from the Board. The Board FINDS that pursuant to Section 4731.22(B)(26), Ohio Revised Code, your failure to appear for the examination ordered by the Board as directed constitutes “[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,” as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Section 4731.22(B)(26), Ohio Revised Code, provides that any individual authorized to practice accepts the privilege of practicing in this state subject to supervision by the Board; that by filing an application for or holding a certificate to practice, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the Board in writing; and that the expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination ordered by the Board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (4) above, individually and/or collectively, constitute “[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,” as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning whether your failure to submit to the examination as directed was due to circumstances beyond your control. 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 of 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

Robert Lee Wolfe, L.M.T.
Opportunity for Hearing on Failure to Submit to an Examination
Page 4

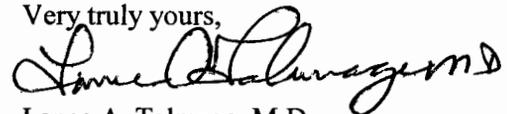
before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice massage therapy or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, 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/AMM/FLB
Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3685 0046
RETURN RECEIPT REQUESTED

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Debra L. Jones, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

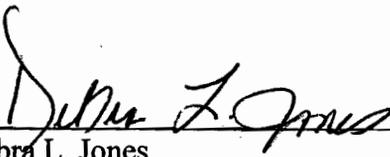
- 1) I am employed by the State Medical Board of Ohio [Board].
- 2) I serve the Board in the position of Continuing Medical Education and Renewal Officer.
- 3) In such position, I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code.
- 4) I have this day carefully examined the records of the Board pertaining to Robert Lee Wolfe, L.M.T.
- 5) Based on such examination, I have found that on or about January 16, 2008, the address of record of Robert Lee Wolfe, L.M.T., to be:

c/o Edith Omaye
1659 Munroe Falls Ave., #33
Cuyahoga Falls, OH 44221

- 6) On February 25, 2008, the Board received a written correspondence requesting to change the mailing address for Robert Lee Wolfe. On or about March 6, 2008, I found the last known address of record to be:

P.O. Box 8664
Canton, OH 44711

- 7) Further, Affiant Sayeth Naught.



Debra L. Jones
Continuing Medical Education and
Renewal Officer

Sworn to and signed before me, Barbara A. Jacobs, Notary Public, this 6th
day of March, 2008.

BARBARA ANN JACOBS, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 4703 R.C.



Notary Public

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Angela McNair, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio [Board].
- 2) I serve the Board in the position of Enforcement Attorney.
- 3) In the course of my regular duties, I am responsible for coordinating the investigation of complaint against applicants and licensees under the jurisdiction of the Board and assembling the evidence necessary to prove potential violations of the Medical Practices Act of Ohio, Chapters 4730., 4731., 4760., and 4762., Ohio Revised Code.
- 4) I coordinated the investigation of the complaints filed against Robert Lee Wolfe, L.M.T., which resulted in the issuance of an order from the Board for Mr. Wolfe to submit to an examination pursuant to Section 4731.22(B)(26), Ohio Revised Code.
- 5) A letter, which contained the above-referenced Board order and which is attached hereto and incorporated herein, ordered Mr. Wolfe to submit to an 72-hour in-patient examination at Glenbeigh Hospital, 2863 St. Rt. 45, Rock Creek, Ohio 44084, on Monday, February 4, 2008, at 9:00 a.m. Said order was sent certified mail on January 16, 2008.
- 6) Shortly after mailing said letter, a representative from Glenbeigh Hospital left me a voicemail indicating that she wanted to push back the scheduled appointment time to 10:00 a.m. Based upon this voicemail, I mailed Mr. Wolfe an updated version of said letter, via certified mail, on January 23, 2008, which reflected the change in reporting time from 9:00 a.m. to 10:00 a.m. A copy of the revised certified letter is attached hereto and incorporated herein.
- 7) Both the January 16, 2008 certified letter, as well as the January 23, 2008 certified letter were sent to Mr. Wolfe at the following address:

c/o Edith Omaye
1659 Munroe Falls Ave., #33
Cuyahoga Falls, OH 44221
- 8) On January 21, 2008, and January 28, 2008, the Board received certified mail return receipts, showing that the certified letters to Mr. Wolfe had been delivered to and signed for by Edith Omaye at the address set forth in paragraph (7) above on January 19, 2008, and January 26, 2008, respectively. Copies of the certified mail return receipts are attached hereto and incorporated herein.

- 9) Additionally, I received information from a Board Investigator that on or about September 19, 2007, during a telephone conversation Mr. Wolfe orally provided the following address as his current mailing address for any additional correspondence for the Board:

P.O. Box 86604
North Canton, OH 44720

Based upon this information, I mailed duplicate copies of both of the certified letters to the above post office box.

- 10) On January 28, 2008, and January 29, 2008, the duplicate copies sent to the above-mentioned post office box were returned to the Board, with the reason for the return listed as "no such number."
- 11) On February 4, 2008, I was notified telephonically by a representative of Glenbeigh Hospital that Mr. Wolfe failed to appear for the 72-hour examination that the Board scheduled for him. I received written confirmation by letter dated February 5, 2008, which states that Mr. Wolfe failed to appear for the examination ordered by the Board. A copy of the letter from Glenbeigh Hospital is attached hereto and incorporated herein.
- 12) Further, Affiant Sayeth Naught.



Angela McNair
Enforcement Attorney

Sworn to and signed before me, Barbara A. Jacobs, Notary Public, this 6th
day of March, 2008.



Notary Public

BARBARA ANN JACOBS, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

State Medical Board of Ohio

30 E. Broad Street, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov



January 16, 2008

Personal and Confidential

Robert Lee Wolfe, L.M.T.
c/o Edith Omaye
1659 Munroe Falls Ave., #33
Cuyahoga Falls, OH 44221

Dear Mr. Wolfe:

The State Medical Board of Ohio [Board] has determined that it has reason to believe that you are 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.”

This determination is based upon one or more of the following reasons:

- (1) On or about August 21, 1997, in the Summit County Court of Common Pleas, Akron, Ohio, you pled guilty to one count of Illegal Cultivation of Marijuana, in violation of Section 2925.04, Ohio Revised Code, and one count of Possession of Criminal Tools, in violation of Section 2923.24, Ohio Revised Code, both felonies of the fifth degree. Additionally, on or about December 9, 2002, you entered a plea of guilty to Criminal Trespass, in violation of Section 2911.21, Ohio Revised Code, a misdemeanor of the fourth degree. At the time of your plea, the Summit County Court of Common Pleas dismissed your other charge of Trafficking in Marijuana, in violation of Section 2925.03, Ohio Revised Code.

Moreover, on or about August 3, 2007, in Barberton Municipal Court, Barberton, Ohio, you entered a plea of guilty to Operating a Vehicle with a Prohibited Blood Alcohol Concentration [BAC], in violation of Section 4511.19, Ohio Revised Code. At the time of your arrest of July 29, 2007, your BAC tested at 0.144.

- (2) On or about September 19, 2007, a Board Investigator made contact with you concerning the aforementioned convictions, in addition to your failure to disclose the same on your initial application for licensure and renewal applications.

During your conversation with the Board Investigator, you acknowledged the felony convictions of 1997 and 2002, however indicated that you must have "mistakenly misunderstood" the questions on your initial application for licensure, as well as the same and/or similar questions on the subsequent renewal applications that asked whether or not you had ever been convicted or found guilty of a violation of the law.

When the Board Investigator inquired about your alcohol related arrest of July 2007, you asserted that prosecution was pending for that case. In fact, your conversation with the Board Investigator took place more than a month after your conviction for that charge.

- (3) On or about September 19, 2007, you explained to a Board Investigator that you cultivated and abused marijuana for approximately five-plus years, until quitting in 2000. You described yourself as a "social drinker", consuming alcoholic beverages 2 to 3 times per week, and you asserted that you have never sought treatment for your chemical abuse.

By the authority vested in the State Medical Board of Ohio by Section 4731.22(B)(26), Ohio Revised Code, you are ordered to submit to an examination. This examination will take place at **Glenbeigh Hospital, 2863 St. Rt. 45, Rock Creek, Ohio 44084, telephone number (440) 563-3400**. You are to report to the **Glenbeigh Admissions Office**, on **Monday, February 4, 2008, at 9:00 a.m.** for a 72-hour in-patient evaluation. Please confirm your plan to appear for this scheduled examination by contacting **Cathy Chambers**, the Intake Coordinator for Glenbeigh, at the above-listed telephone number prior to your scheduled appointment. You may also direct any questions about Glenbeigh's location and admission procedures to Ms. Chambers.

Pursuant to Section 4731.22(B)(26), Ohio Revised Code, you are responsible for the expense of this evaluation. **The total estimated cost of this evaluation is \$1800.00.** You must present a certified check or money order in this amount made payable to **Glenbeigh Hospital** to the examiner prior to the beginning of the examination. Failure to present a certified check or money order in the amount specified to the examiner will result in the examination being cancelled, and will be deemed by the Board to be a failure to submit to the examination as directed due to circumstances within your control.

Please be advised that failure to submit to this examination as directed constitutes an admission of the allegations against you unless the failure is due to circumstances beyond your control, and that a default and final order may thereupon be entered without the taking of testimony or presentation of evidence.

B26 EXAM LETTER
ROBERT LEE WOLFE, L.M.T.
Page 3

Copies of the applicable statute sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink that reads "Lance A. Talmage, M.D." The signature is written in a cursive style with a large initial 'L'.

Lance A. Talmage, M.D.
Secretary

LAT/AMM/fib
Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3487 4686
RETURN RECEIPT REQUESTED

Duplicate mailing:
P.O. Box 86604
North Canton, OH 44720

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

January 23, 2008

Personal and Confidential

Robert Lee Wolfe, L.M.T.
c/o Edith Omaye
1659 Munroe Falls Ave., #33
Cuyahoga Falls, OH 44221

Dear Mr. Wolfe:

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Please be advised that failure to submit to this examination as directed constitutes an admission of the allegations against you unless the failure is due to circumstances beyond your control, and that a default and final order may thereupon be entered without the taking of testimony or presentation of evidence.

B26 EXAM LETTER
ROBERT LEE WOLFE, L.M.T.
Page 3

Copies of the applicable statute sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink that reads "Lance A. Talmage, M.D." The signature is written in a cursive style with a large initial 'L'.

Lance A. Talmage, M.D.
Secretary

LAT/AMM/fb
Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3487 4686
RETURN RECEIPT REQUESTED

Duplicate mailing:
P.O. Box 86604
North Canton, OH 44720



Date Produced: 01/21/2008

STATE MEDICAL BOARD OF OHIO

The following is the delivery information for Certified item number 7108 2133 3934 3487 4686. Our records indicate that this item was delivered on 01/19/2008 at 03:56 p.m. in CUYAHOGA FALLS, OH, 44221. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section	
Signature	Edith L Omaye
Name	Edith Omaye
Address	1659 Monroe Trl, Ave # 35

Address of Recipient:

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 4225901 1801971 [REDACTED]



Date Produced: 01/28/2008

STATE MEDICAL BOARD OF OHIO

The following is the delivery information for Certified item number 7108 2133 3934 3487 4945. Our records indicate that this item was delivered on 01/26/2008 at 12:17 p.m. in CUYAHOGA FALLS, OH, 44223. The scanned image of the recipient information is provided below.

Signature of Recipient:

Edith Omaye

Address of Recipient:

*1659 Mvrae Falls Ln
33
Cuyahoga Falls OH-
44221*

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 4225901 18019711WOLFE AMM

Glenbeigh

 **Cleveland Clinic affiliate**



Accredited by
Joint Commission

P.O. Box 298 • ROCK CREEK, OHIO 44084-0298 • 440-563-3400 • FAX 440-563-9619

February 5, 2008

Angela McNair
Ohio Medical Board
30 South High Street
Columbus, Ohio 42215-6127

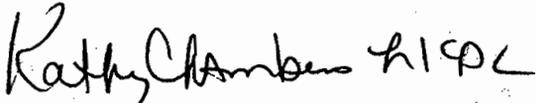
RE: Robert Wolfe

Dear Ms. McNair:

This is to advise you that, Robert Wolfe, who you referred for a three-day inpatient evaluation with Dr. Parrin on 02/04/08, at Glenbeigh Hospital of Rock Creek, was a no show for the evaluation, and there was not any contact with Glenbeigh..

If I can be of further assistance, please let me know.

Respectfully,



Kathy Chambers,
Admission Coordinator

OHIO STATE MEDICAL BOARD

FEB 12 2008

RECEIVED